

## Appointment

---

**From:** Donez, Francisco [Donez.Francisco@epa.gov]  
**Sent:** 1/9/2018 9:35:27 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]

**Subject:** Accepted: Port of Oakland MAQIP  
**Location:** R9SF-Room-18323-6-Twenty-Nine Palms

**Start:** 1/10/2018 11:00:00 PM  
**End:** 1/11/2018  
**Show Time As:** Busy

Message

---

**From:** Rebecca Kaplan **Personal Address / Ex. 6**  
**Sent:** 12/7/2017 10:42:38 PM  
**To:** Aloha de Guzman [adeguzman@baaqmd.gov]  
**CC:** Jack Broadbent [jack@baaqmd.gov]; ccappio@oaklandnet.com; Catherine Mukai [cmukai@portoakland.com]; rsinkoff@portoakland.com; mmaloney@mtc.ca.gov; Diego Gonzalez [dgonzalez@portoakland.com]; Sheng Thao [sthao@oaklandnet.com]; Rebecca Kaplan [rkaplan@oaklandnet.com]; Elizabeth.yura@arb.ca.gov; Machol, Ben [Machol.Ben@epa.gov]; Grow, Richard [Grow.Richard@epa.gov]; Tess Lengyel [tlengyel@alamedactc.org]; Carolyn Clevenger [cclevenger@alamedactc.org]; mdavis@portoakland.com; mdnichols@oaklandnet.com; adao@alamedactc.org; abockelman@mtc.ca.gov; bsanchez@mtc.ca.gov; cynthia.marvin@arb.ca.gov; Lee, Anna, Public Health, OOD [anna.lee@acgov.org]; Henry Hilken [HHilken@baaqmd.gov]; Ranyee Chiang [rchiang@baaqmd.gov]; Angie Ayers [aayers@alamedactc.org]; Maricela Martinez [mmartinez@baaqmd.gov]; Vanessa Johnson [vjohnson@baaqmd.gov]; Karen Schkolnick [kschkolnick@baaqmd.gov]; McDaniel, Penelope [MCDANIEL.PENELOPE@EPA.GOV]; Ranelletti, Darin [DRanelletti@oaklandnet.com]; Alison Kirk [AKirk@baaqmd.gov]; dbreen@baaqmd.gov  
**Subject:** Good news on funding for goods movement/air quality improvements (Port/Army base)  
**Attachments:** 6.14\_Goods\_Movement\_Emissions\_Reduction\_Commission\_Revised\_20171113ACTC.pdf

Dear team,

Thanks so much for all of your great work on our collaboration to help reduce emissions and improve public health and efficiency related to goods movement at and around the Port of Oakland/Army Base and surrounding communities.

I am writing to share some good news. Today the full Board of the Alameda County Transportation Commission (ACTC), unanimously approved the attached proposal, to allocate \$6 million to a set of priorities that we have identified in our discussions. We also re-stated the importance of working with community stakeholders as next steps and specifics are developed, and to continue to advocate for funding sources for community-based mitigations, and that the intent of this funding commitment is to be a part of a wider funding strategy and leverage funds from other sources. I am pleased we are able to help move these items forward, and continue to take action to improve lives throughout our communities.

See attached.

Best wishes,  
Sincerely,  
Rebecca Kaplan  
Oakland City Councilmember at-large  
Chairperson, Alameda County Transportation Commission  
Boardmember, Bay Area Air Quality Management District

Message

---

**From:** City of Oakland [oakland@service.govdelivery.com]  
**Sent:** 4/12/2017 10:44:41 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** Planning Commission Meeting on April 19

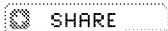


Next Wednesday, the Plan Downtown Oakland team will go before the Planning Commission with an informational report on the status of the Downtown Oakland Specific Plan, specifically related to the recently approved contract enhancements and next steps. The contract enhancements include the preparation of a racial equity impact assessment, additional community engagement, additional analysis to support recommendations in the plan, and a higher level of environmental clearance from the environmental impact report. The team is gearing up for additional community engagement beginning this summer and will be in touch (and post updates to the website), regarding exact dates for public meetings, etc.

The director's report for the Planning Commission meeting will be available by Wednesday afternoon on the Plan Downtown Oakland website: [www.oaklandnet.com/plandowntownoakland](http://www.oaklandnet.com/plandowntownoakland) (see "meetings" section).

**Planning Commission Meeting**  
Wednesday, April 19, 2017, 6pm  
City Council Chamber - 3rd Floor  
One Frank Ogawa Plaza

Contact us at [plandowntownoakland@oaklandnet.com](mailto:plandowntownoakland@oaklandnet.com).



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---

This email was sent to grow.richard@epa.gov using GovDelivery, on behalf of: City of Oakland · One Frank H. Ogawa Plaza · Oakland, CA 94612 · 510-444-2489



Message

---

**From:** Margaret Gordon [mailto:**Personal Address / Ex. 6**]  
**Sent:** 5/18/2017 2:53:40 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**CC:** Brian Beveridge [mailto:**Personal Address / Ex. 6**]; Alison Kirk [AKirk@baaqmd.gov]; David Vintze [DVintze@baaqmd.gov];  
anna.lee@acgov.org; Yura, Elizabeth@ARB [eyura@arb.ca.gov]; Marvin, Cynthia@ARB [cynthia.marvin@arb.ca.gov];  
**Subject:** Re: RSVP Date check: OAB update call/meeting week of 5/22

Richard,

WOEIP conference has such qualities.

Ms.Margaret

On Thu, May 18, 2017 at 7:50 AM, Grow, Richard <Grow.Richard@epa.gov> wrote:

If anyone wants to host a face-to-face let's try for that, but we'll need a good speaker phone to tie in anyone who can't make it into the conference line.

**From:** Margaret Gordon [mailto:**Personal Address / Ex. 6**]  
**Sent:** Thursday, May 18, 2017 7:48 AM  
**To:** Brian Beveridge [mailto:**Personal Address / Ex. 6**]  
**Cc:** Grow, Richard <Grow.Richard@epa.gov>; Alison Kirk <AKirk@baaqmd.gov>; David Vintze <DVintze@baaqmd.gov>;  
anna.lee@acgov.org; Yura, Elizabeth@ARB <eyura@arb.ca.gov>; Marvin, Cynthia@ARB <cynthia.marvin@arb.ca.gov>;  
grow.r@att.net  
**Subject:** Re: RSVP Date check: OAB update call/meeting week of 5/22

Good morning,

My schedule is the same as Brian and are we having a face to face meeting or conferece call.

Ms.Margaret



On Wed, May 17, 2017 at 8:53 PM, Brian Beveridge **Personal Address / Ex. 6** wrote:

I'm open Tuesday before 4 and Wed after 2. I leave town on Thursday and return late on the 30th. I could dial in during that absence.

Thanks, Brian

On May 17, 2017 8:47 PM, "Grow, Richard" <[Grow.Richard@epa.gov](mailto:Grow.Richard@epa.gov)> wrote:

All

Per the exchange below, it looks like this could be a good time to catch up with each other, especially with the City's cancellation of tomorrow's (May 18) agency/City meeting on mitigation plans. With the next City meeting with the agencies set for May 30, I suggest we aim for a call/meeting sometime next week, the week of May 22. Please get back to me with any *unmoveable* constraints on your schedule for next week and we'll try to find a time that works for all. I can set up a conference line.

My only unmoveable conflicts are:

Monday 5/22 8-10

Tuesday 5/23 1-2:30

Weds 5/24 11-12:30

Friday 5/26 12-5

Thanks

Richard

**Personal Matters / Ex. 6**

-----  
Title VI OAB update

Brian Beveridge **Personal Address / Ex. 6**

Reply all |

Today, 8:09 PM

Grow, Richard;

David Vintze <[DVintze@baaqmd.gov](mailto:DVintze@baaqmd.gov)>;

Marvin, Cynthia@ARB <[cynthia.marvin@arb.ca.gov](mailto:cynthia.marvin@arb.ca.gov)>;

Lee, Anna, Public Health, CAPE <[Anna.Lee@acgov.org](mailto:Anna.Lee@acgov.org)>;

+2 more

Label: Inbox (Never) Expires: Never

Richard

We are pretty unclear about how these agency meetings with the city are going. We would like to have a conference call with all our collaboration partners and get picture of what the future looks like regarding the Oakland logistics center mitigations and transition to the 21st Century.

Back in Dec, and again in Jan, there seemed to be some strong intentions on the part of the agencies to develop a unified goal statement to inspire the city and port to greater action. Here at WOEIP we're not sure where this intentions went. Could you take the task of coordinating a phone call with our WOTRC partners so that we can all get up to speed before the next city meeting on the 30th.

Please call me if you need more clarity.

Thanks, Brian

**From:** Grow, Richard  
**Sent:** Wednesday, May 17, 2017 8:13 AM  
**To:** Margaret Gordon; Brian Beveridge  
**Cc:** Marvin, Cynthia@ARB; Yura, Elizabeth@ARB; David Vintze; Alison Kirk; 'Lee, Anna, Public Health, CAPE'  
**Subject:** Agency documents on OAB/Port mitigation

Ms. Margaret and Brian

Having excavated my in box and consulted with our partner agencies at ARB, BAAQMD and ACPH, I am forwarding the two documents that best represent where our ad hoc interagency group left off a few months ago. Both documents came about in the context of events taking place last fall, mainly (1) BAAQMD's initiative around incentives, working with the City and Port and (2) discussions at the 12/13/16 meeting. In a longer range context we – WOEIP and the group of four agencies - had been discussing for quite some time the need for the agencies to put forth a "list" of best recommendations for the OAB. The two documents, both drafts, are:

1. **Implementation Plan outline for the OAB** (attached as "OAB LDDA Implementation...") developed at BAAQMD. This is the document Cynthia referenced at the December 13 meeting and suggested we get a working group together including the City and Port and work our way thru the document measure-by-measure, resolving each in a well documented manner. In the report out from that meeting one of the two action items listed was:

"Working from the "Bold Vision for the Oakland Army Base" document (dated September 12, 2016) the working group will translate the broad objectives into specific action items, discuss barriers and solutions, and identify the responsible entity or entities and schedule to implement each action item. This action or implementation plan will define clear deliverables, be publicly released, and include a mechanism for publicly reporting to the community on progress."

Obviously this has not happened.

2. **Compilation of recommendations for OAB/Seaport facilities and operations** (attached as "Port of Oakland Seaport...") This was developed by CARB, circulated among the agencies and provided to the City in January, basically a compilation of recommendations made on other freight-related projects, potentially relevant (or not) to the Port of Oakland/OAB situation.

Both documents were in circulation among the agencies in mid-January in the expectation that they could be integrated into the start of a working document that could then become some sort of an implementation plan. That momentum, in hindsight, was interrupted when the City responded to the first action item coming out of the December 13 meeting ("*The City and Port were asked to confer and provide suggestions for a new process to transform the current "quarterly air quality" meetings into a meaningful process addressing the concerns raised in the December 13 meeting. This process should include representatives from the federal agencies, Mayor's office, Port and MTC, and be re-evaluated at approximately four months regarding its effectiveness.*") with its lengthy January 23, 2017 letter which was basically unresponsive to either of the two action items regarding process and product.

I won't try to connect the dots from there to where we are today with the City rolling forward with its next three mitigation pieces, my impression being that each agency has its own perspective on the current process. I am copying ARB, BAAQMD and ACPH in the event they would like to offer their views, corrections or comments.

000981 2020-10-29

Richard

--  
Ms. Margaret Gordon/Co-Director

West Oakland Environmental Indicators Project

349 Mandela Parkway

Oakland, CA 94607

Personal Address / Ex. 6 Direct line

[www.woeip.org](http://www.woeip.org)

--  
Ms. Margaret Gordon/Co-Director  
West Oakland Environmental Indicators Project  
349 Mandela Parkway  
Oakland, CA 94607

Personal Address / Ex. 6 Direct line

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## Appointment

---

**From:** R9SF-Room-18323-6-Twenty-Nine Palms [R9SF-Room-18323-6-Twenty-Nine\_Palms@epa.gov]  
**Sent:** 1/9/2018 9:34:07 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]

**Subject:** Accepted: Port of Oakland MAQIP  
**Location:** R9SF-Room-18323-6-Twenty-Nine Palms

**Start:** 1/10/2018 11:00:00 PM  
**End:** 1/11/2018

**Recurrence:** (none)

**Your request was accepted.**

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Sent by Microsoft Exchange Server 2016

Message

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**From:** Margaret Gordon [Personal Address / Ex. 6]  
**Sent:** 10/30/2017 6:21:11 PM  
**To:** Alison Kirk [AKirk@baaqmd.gov]  
**CC:** Lee, Anna, Public Health, QOD [anna.lee@acgov.org]; Grow, Richard [Grow.Richard@epa.gov]; Brian Beveridge [Personal Address / Ex. 6]; David Vintze [DVintze@baaqmd.gov]; Morris, Robbie@ARB [robbie.morris@arb.ca.gov]; Garcia, Yana@EPA [Yana.Garcia@calepa.ca.gov]; Henry Hilken [HHilken@baaqmd.gov]; Yura, Elizabeth [eyura@arb.ca.gov]  
**Subject:** Re: Port of Oakland Board meeting Nov 9 - Oakland Army Base Lease on Agenda

Thanks Alison,

This items need further discussion that possible attached to the Truck Planning process with City of Oakland and Port of Oakland. Please reply.

Ms.Margaret Gordon

On Mon, Oct 30, 2017 at 8:40 AM, Alison Kirk <AKirk@baaqmd.gov> wrote:

Hello all,

Please note that Centerpoint Lease is back on the POAK Board agenda for Nov. 9, Item 5.1. I am drafting a letter to the Board regarding this item now. Thanks to Robbie for catching this item in the Friday afternoon Agenda email!

Also note item 6.1 to extend existing leases with Impact Transportation, LLC; Port Transfer, Inc.; and Pacific Coast Container, Inc. in the 800 series buildings of the former Oakland Army Base, set to expire on December 31, 2017. "The Port has no immediate plans to develop this area, and would like to retain these tenants for up to an additional five years. The lease extensions are structured to provide the Port with flexibility to terminate the leases should the areas be needed for development."

Is this an opportunity to comment on these leases as well?

Sincerely,

Alison Kirk

Senior Environmental Planner

415-749-5169

---

**From:** Alison Kirk

**Sent:** Friday, September 29, 2017 4:08 PM

**To:** Anna Lee <Anna.Lee@acgov.org>; 'Richard Grow' <grow.richard@epa.gov>; 'Margaret Gordon'

**Personal Address / Ex. 6** Brian Beveridge **Personal Address / Ex. 6** 'Yura, Elizabeth' <eyura@arb.ca.gov>

**Cc:** David Vintze <DVintze@baaqmd.gov>; 'Morris, Robbie@ARB' <robbie.morris@arb.ca.gov>

**Subject:** RE: Port of Oakland Board meeting Sept 28 - Oakland Army Base Lease pulled from Agenda

CenterPoint Lease is not included on the October 12<sup>th</sup> Agenda. See attached. Thanks.

Alison Kirk

Senior Environmental Planner

415-749-5169

---

**From:** Alison Kirk

**Sent:** Friday, September 22, 2017 11:40 AM

**To:** Anna Lee <Anna.Lee@acgov.org>; 'Richard Grow' <grow.richard@epa.gov>; 'Margaret Gordon'

**Personal Address / Ex. 6** Brian Beveridge **Personal Address / Ex. 6** 'Yura, Elizabeth' <eyura@arb.ca.gov>

**Cc:** David Vintze <DVintze@baaqmd.gov>; 'Morris, Robbie@ARB' <robbie.morris@arb.ca.gov>

**Subject:** RE: Port of Oakland Board meeting Sept 28 - Oakland Army Base Lease pulled from Agenda

Update – Ms. Margaret just alerted us this item to be pulled from agenda for 28<sup>th</sup>, to be heard on Oct. 12. (sorry if you all already heard, I didn't see you on the distribution list)

I just spoke with Port Clerk and she anticipates official announcement expected by 4 p.m. today.

Alison Kirk

Senior Environmental Planner

415-749-5169

---

**From:** Alison Kirk

**Sent:** Thursday, September 21, 2017 8:45 AM

**To:** Anna Lee <Anna.Lee@acgov.org>; Richard Grow <grow.richard@ena.gov>; 'Margaret Gordon'

**Personal Address / Ex. 6** Brian Beveridge **Personal Address / Ex. 6** Yura, Elizabeth

<eyura@arb.ca.gov>

**Cc:** David Vintze <DVintze@baaqmd.gov>; 'Morris, Robbie@ARB' <robbie.morris@arb.ca.gov>

**Subject:** Port of Oakland Board meeting Sept 28 - Oakland Army Base Lease on Agenda

**Importance:** High

Hello,

After years of closed-door negotiations, OAB is finally on the Port agenda, item 5.2 at the Thursday, Sept. 28 Board meeting.

Item 5.2 is an Ordinance and Resolution to enter into a ground lease with CenterPoint-Oakland Development I, LLC for 66 years.

As you might expect, the Port's lease with CenterPoint calls for CenterPoint to meet the requirements of the OAB CEQA documents. As we all know, these requirements are vague and do not meet the standards we have been recommending to the City over the years.

I'll be drafting a letter from BAAQMD for the Sept. 28 meeting, urging the Port to implement measures consistent with our recommendations, etc.

Let me know if you have any questions or comments!

Thanks,



Alison Kirk, AICP

Senior Environmental Planner

415-749-5169

The Bay Area Air Quality Management District

375 Beale Street, Suite 600

San Francisco, CA 94105

--

Ms. Margaret Gordon/Co-Director  
West Oakland Environmental Indicators Project  
349 Mandela Parkway  
Oakland, CA 94607

Personal Address / Ex. 6 Direct line  
www.woeip.org

Message

**From:** Margaret Gordon [Personal Address / Ex. 6]  
**Sent:** 5/18/2017 2:47:30 PM  
**To:** Brian Beveridge [Personal Address / Ex. 6]  
**CC:** Grow, Richard [Grow.Richard@epa.gov]; Alison Kirk [AKirk@baaqmd.gov]; David Vintze [DVintze@baaqmd.gov]; anna.lee@acgov.org; Yura, Elizabeth@ARB [eyura@arb.ca.gov]; Marvin, Cynthia@ARB [cynthia.marvin@arb.ca.gov]; grow.r@att.net  
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All

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My only unmoveable conflicts are:

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Tuesday 5/23 1-2:30

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Friday 5/26 12-5

Thanks

[Personal Matters / Ex. 6]

-----  
Title VI OAB update

BB

Brian Beveridge [Personal Address / Ex. 6]

Reply all |

Today, 8:09 PM

Grow, Richard;

David Vintze <[DVintze@baaqmd.gov](mailto:DVintze@baaqmd.gov)>;

Marvin, Cynthia@ARB <[cynthia.marvin@arb.ca.gov](mailto:cynthia.marvin@arb.ca.gov)>;

Lee, Anna, Public Health, CAPE <[Anna.Lee@acgov.org](mailto:Anna.Lee@acgov.org)>;

+2 more

Label: Inbox (Never) Expires: Never

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Please call me if you need more clarity.

Thanks, Brian

---

**From:** Grow, Richard

**Sent:** Wednesday, May 17, 2017 8:13 AM

**To:** Margaret Gordon; Brian Beveridge

**Cc:** Marvin, Cynthia@ARB; Yura, Elizabeth@ARB; David Vintze; Alison Kirk; 'Lee, Anna, Public Health, CAPE'

**Subject:** Agency documents on OAB/Port mitigation

Ms. Margaret and Brian

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Richard

--  
Ms. Margaret Gordon/Co-Director  
West Oakland Environmental Indicators Project  
349 Mandela Parkway  
Oakland, CA 94607  
Personal Address / Ex. 6 Direct line  
[www.woeip.org](http://www.woeip.org)

Message

---

**From:** Zimpfer, Amy [Zimpfer.Amy@epa.gov]  
**Sent:** 1/9/2018 9:34:06 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** Automatic reply: Port of Oakland MAQIP

Thank you for your email. For your information, on January 8 and 9, I am on leave in the afternoon. I will respond to your email upon my return.  
Thank you.

Message

---

**From:** Fitzpatrick, Ryan (OST) [ryan.fitzpatrick@dot.gov]  
**Sent:** 4/12/2017 8:19:05 PM  
**To:** Vance, Amy [Amy.Vance@HQ.DHS.GOV]; Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** RE: West Oakland discussions with City

Let's do that next week. We're still figuring out how to move forward with this here, and there are a lot of moving pieces that we need to resolve first. I'm working on it.

Ryan

**Ryan N. Fitzpatrick, Esq.**  
Lead Civil Rights Analyst  
Departmental Office of Civil Rights  
Office of the Secretary  
U.S. Department of Transportation  
W78-312  
(202) 366-1979

---

**From:** Vance, Amy [mailto:Amy.Vance@HQ.DHS.GOV]  
**Sent:** Wednesday, April 12, 2017 4:10 PM  
**To:** Grow, Richard; Fitzpatrick, Ryan (OST)  
**Subject:** RE: West Oakland discussions with City

Did we want to have a quick call this week to touch base on the complaint?

---

**From:** Grow, Richard [mailto:Grow.Richard@epa.gov]  
**Sent:** Wednesday, April 5, 2017 5:43 PM  
**To:** Fitzpatrick, Ryan (OST) <ryan.fitzpatrick@dot.gov>; Vance, Amy <Amy.Vance@HQ.DHS.GOV>  
**Subject:** Re: West Oakland discussions with City

# Deliberative Process / Ex. 5

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**From:** Fitzpatrick, Ryan (OST) <ryan.fitzpatrick@dot.gov>  
**Sent:** Wednesday, April 5, 2017 1:15 PM  
**To:** Grow, Richard; Amy.Vance@HQ.DHS.GOV  
**Subject:** RE: West Oakland discussions with City

Thanks for sharing, Richard. I have to discuss all of this with leadership, but I assure you that there will not be a 3-6 month process to determine acceptance. We have to determine how to proceed here, as this complaint will likely change our current plans for the provision of technical assistance to the Port. That's what I've been working on the last couple of months, but due to some internal hoops I've had to work through, we haven't been able to deliver yet. We'll be in touch, I've shared this with Lilian.

**Ryan N. Fitzpatrick, Esq.**  
Lead Civil Rights Analyst

Departmental Office of Civil Rights  
Office of the Secretary  
U.S. Department of Transportation  
W78-312  
(202) 366-1979

---

**From:** Grow, Richard [mailto:Grow.Richard@epa.gov]  
**Sent:** Wednesday, April 05, 2017 3:55 PM  
**To:** Fitzpatrick, Ryan (OST); Amy.Vance@HQ.DHS.GOV  
**Subject:** West Oakland discussions with City

Ryan and Amy

# Deliberative Process / Ex. 5

Hearing nothing from our HQ folks yet, pls let me know if yu do. Thx

Richard

---

**From:** David Vintze  
**Sent:** Tuesday, April 4, 2017 1:42 PM  
**To:** 'McGowan, Patricia' <PMcGowan@oaklandnet.com>  
**Cc:** Ranelletti, Darin <DRanelletti@oaklandnet.com>; Cole, Doug <DCole@oaklandnet.com>; Monetta, John <JMonetta@oaklandnet.com>; Cappio, Claudia <CCappio@oaklandnet.com>; Pat Cashman <ptrckcshmn@gmail.com>; Wald, Mark <MWald@oaklandcityattorney.org>; Damian Breen <dbreen@baaqmd.gov>; Jean Roggenkamp <jroggenkamp@baaqmd.gov>; Henry Hilken <HHilken@baaqmd.gov>  
**Subject:** RE: Request for a meeting

Hi Patricia,

Your summary is mostly correct but misses the most salient points of our discussion. We were discussing why the stakeholder group does not have any confidence in the City and its stakeholder process to ensure the air quality measures in the MMRP and LDDA would be implemented. I referenced the "underground" horizontal (#1) improvements that have occurred as an example of missed opportunities because the operational mitigation programs/plans had not been developed prior to the City's approval of the underground infrastructure. If the City had required the operational mitigation programs/plans called for in the MMRP and LDDA be prepared before any infrastructure construction began (as recommended by all the stakeholders years ago) we would not be discussing "if" we have enough power at the OAB to run the zero and near zero emission technologies. The issue related to power supply is a symptom of a bigger issue related to MMRP/LDDA implementation. As far as our discussion of low or zero emission (#2) technologies that the stakeholders have been recommending, the underlying problem is not the developers pushing back on stakeholder recommendations, it is more that the City has not required the operational mitigation programs/plans be prepared before development begins, which is inconsistent with all planning principals.

As I also mentioned, the existing stakeholder process appears to be structured more toward meeting purely procedural objectives and not to develop substantive implementation strategies to reduce air pollution from OAB development. I am interested (as are the other stakeholders) in participating in a new stakeholder process that establishes up-front a

commitment from the City and the Port to develop the air quality operational programs/plans identified in the MMRP and the LDDA that haven't been discussed to date in the current stakeholder process. That is why I recommended to you that City staff meet with the agency staff participating in the stakeholder process to discuss how and when the air quality operational programs/plans called for in the MMRP and LDDA can be prepared before new development plans are approved by the City or occupancy permits are issued to the warehouse under construction. This meeting should discuss all potential emission sources at the OAB and not just "buildings" per your email below. I am confident that all the public agency stakeholders would be interested in a meeting to discuss these issues with City and Port staff. I look forward to participating in such a meeting.

As an FYI, the April 20 and 27 dates will not work for me.

Take Care,

Dave

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**From:** McGowan, Patricia [<mailto:PMcGowan@oaklandnet.com>]  
**Sent:** Thursday, March 30, 2017 3:09 PM  
**To:** David Vintze <[DVintze@baaqmd.gov](mailto:DVintze@baaqmd.gov)>  
**Cc:** Ranelletti, Darin <[DRanelletti@oaklandnet.com](mailto:DRanelletti@oaklandnet.com)>; Cole, Doug <[DCole@oaklandnet.com](mailto:DCole@oaklandnet.com)>; Monetta, John <[JMonetta@oaklandnet.com](mailto:JMonetta@oaklandnet.com)>; Cappio, Claudia <[CCappio@oaklandnet.com](mailto:CCappio@oaklandnet.com)>; Pat Cashman <[ptrckcshmn@gmail.com](mailto:ptrckcshmn@gmail.com)>; Wald, Mark <[MWald@oaklandcityattorney.org](mailto:MWald@oaklandcityattorney.org)>; Damian Breen <[dbreen@baaqmd.gov](mailto:dbreen@baaqmd.gov)>  
**Subject:** Request for a meeting

Hi Dave,

You and I spoke in February after I received an e-mail from you stating that you were not interested in meeting in the current stakeholder process any further, or meeting with the developer or his team at all. During the phone call, I noted that your concerns could be summarized as:

1. Can the horizontal infrastructure bring enough electrical power to the OAB to power zero-emissions equipment and meet the future electrical needs at the OAB?
2. Zero emissions ideas were discussed at stakeholder meeting but the developers would push back and no real progress was made. "All we are getting are little pieces, like the construction AQ plan. We want a consistent approach for all the new building."
3. There should be an operational AQ plan that would set performance standards for what would apply to operations at the new buildings.
4. We should meet staff to staff, outside the quarterly stakeholder meetings, to work on this.

I am working on a reply to #1; we too want to ensure that there is enough electrical power. As far as #2 and #3, we hope that the initial AQ plans we review/approve will be used as a basis for the others. #4: We recently received the Operational Air Quality Plan from Prologis for their first building referred to at CE-1, Northeast Gateway. They have not yet secured a tenant; they have prepared this operational AQ plan to give to perspective tenants outlining the tenant's obligations regarding reducing air quality impacts and energy consumption (consistent with your request).

Prologis used the two lists we received from your office and CARB in developing their Plan and I think you will be pleased to see how many of the items on the lists have been incorporated.

We would like to have a staff to staff meeting to discuss this Plan before we release it for public comment to the stakeholders. Would you be available Thursday April 20 or 27, for a 1.5 hours meeting between 1:30-4? Our team will be Darin Ranelletti, John Monetta and myself.

We will want to focus on the items on those two lists which apply to buildings, not to ships, rail nor Port operations, but rather to warehouse operations. I am sending the meeting request to you; you can decide if you feel someone from



CARB should attend. I am copying Damian Breen on this because of his interest in the project. We think it would be more efficient to have Prologis at the meeting but we will take your direction on this.

Best regards,  
Pat

**Patricia McGowan**, Environmental Coordinator | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510) 238-3588 | Fax: (510) 238-6538 | Email: [PMcGowan@oaklandnet.com](mailto:PMcGowan@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

Message

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**From:** Strauss, Alexis [Strauss.Alexis@epa.gov]  
**Sent:** 1/12/2018 4:19:39 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** Re: W.O. status check, fallback ?

Sounds good, let me know

> On Jan 12, 2018, at 8:17 AM, Grow, Richard <Grow.Richard@epa.gov> wrote:  
>  
> Maybe think of that as our fallback in lieu of Kurt getting back to me ? He's usually pretty responsive and informative. Will let you know as soon as I hear anything and glad to join any call you want.

> \_\_\_\_\_  
> From: Strauss, Alexis  
> Sent: Friday, January 12, 2018 8:04 AM  
> To: Grow, Richard  
> Subject: Re: W.O. status check, fallback ?

> Shall we set up a call with Lilian and Kurt today or Tuesday?

> \_\_\_\_\_  
>> On Jan 12, 2018, at 7:57 AM, Grow, Richard <Grow.Richard@epa.gov> wrote:

>> FYI. For what it's worth, January 14 (Sunday) is the 180 day point at which per our own regs at 40 CFR 7 we are obligated to issue some sort of prelim finding. That's what the delay suit was all about.

>> \_\_\_\_\_  
>> From: Grow, Richard  
>> Sent: Friday, January 12, 2018 7:55 AM  
>> To: Temple, Kurt  
>> Subject: W.O. status check, fallback ?

>> Hi Kurt -

**Deliberative Process / Ex. 5**

>> Richard

**Personal Matters / Ex. 6**

Message

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**From:** Alison Kirk [AKirk@baaqmd.gov]  
**Sent:** 10/30/2017 3:40:05 PM  
**To:** Lee, Anna, Public Health, OOD [anna.lee@acgov.org]; Grow, Richard [Grow.Richard@epa.gov]; 'Margaret Gordon' [margaret.woeip@gmail.com]; Brian Beveridge [brian.woeip@gmail.com]  
**CC:** David Vintze [DVintze@baaqmd.gov]; Morris, Robbie@ARB [robbie.morris@arb.ca.gov]; Garcia, Yana@EPA [Yana.Garcia@calepa.ca.gov]; Henry Hilken [HHilken@baaqmd.gov]; Yura, Elizabeth [eyura@arb.ca.gov]  
**Subject:** RE: Port of Oakland Board meeting Nov 9 - Oakland Army Base Lease on Agenda  
**Attachments:** November 9 2017 Board Agenda.pdf; November 9 2017 Board Agenda.pdf

Hello all,

Please note that Centerpoint Lease is back on the POAK Board agenda for Nov. 9, Item 5.1. I am drafting a letter to the Board regarding this item now. Thanks to Robbie for catching this item in the Friday afternoon Agenda email!

Also note item 6.1 to extend existing leases with Impact Transportation, LLC; Port Transfer, Inc.; and Pacific Coast Container, Inc. in the 800 series buildings of the former Oakland Army Base, set to expire on December 31, 2017. "The Port has no immediate plans to develop this area, and would like to retain these tenants for up to an additional five years. The lease extensions are structured to provide the Port with flexibility to terminate the leases should the areas be needed for development."

Is this an opportunity to comment on these leases as well?

Sincerely,

Alison Kirk  
Senior Environmental Planner  
415-749-5169

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**From:** Alison Kirk  
**Sent:** Friday, September 29, 2017 4:08 PM  
**To:** Anna Lee <Anna.Lee@acgov.org>; 'Richard Grow' <grow.richard@epa.gov>; 'Margaret Gordon' <Margaret.Gordon@epa.gov>; 'Yura, Elizabeth' <eyura@arb.ca.gov>  
**CC:** David Vintze <DVintze@baaqmd.gov>; 'Morris, Robbie@ARB' <robbie.morris@arb.ca.gov>  
**Subject:** RE: Port of Oakland Board meeting Sept 28 - Oakland Army Base Lease pulled from Agenda

CenterPoint Lease is not included on the October 12<sup>th</sup> Agenda. See attached. Thanks.

Alison Kirk  
Senior Environmental Planner  
415-749-5169

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**From:** Alison Kirk  
**Sent:** Friday, September 22, 2017 11:40 AM  
**To:** Anna Lee <Anna.Lee@acgov.org>; 'Richard Grow' <grow.richard@epa.gov>; 'Margaret Gordon' <Margaret.Gordon@epa.gov>; 'Yura, Elizabeth' <eyura@arb.ca.gov>  
**CC:** David Vintze <DVintze@baaqmd.gov>; 'Morris, Robbie@ARB' <robbie.morris@arb.ca.gov>  
**Subject:** RE: Port of Oakland Board meeting Sept 28 - Oakland Army Base Lease pulled from Agenda

Update – Ms. Margaret just alerted us this item to be pulled from agenda for 28<sup>th</sup>, to be heard on Oct.12. (sorry if you all already heard, I didn't see you on the distribution list)

I just spoke with Port Clerk and she anticipates official announcement expected by 4 p.m. today.

Alison Kirk  
Senior Environmental Planner  
415-749-5169

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**From:** Alison Kirk

**Sent:** Thursday, September 21, 2017 8:45 AM

**To:** Anna Lee <Anna.Lee@accgov.org>; Richard Grow <grow.richard@epa.gov>; 'Margaret Gordon'

**Personal Address / Ex. 6**

Yura, Elizabeth <eyura@arb.ca.gov>

**Cc:** David Vintze <DVintze@baaqmd.gov>; 'Morris, Robbie@ARB' <robbie.morris@arb.ca.gov>

**Subject:** Port of Oakland Board meeting Sept 28 - Oakland Army Base Lease on Agenda

**Importance:** High

Hello,

After years of closed-door negotiations, OAB is finally on the Port agenda, item 5.2 at the Thursday, Sept. 28 Board meeting.

Item 5.2 is an Ordinance and Resolution to enter into a ground lease with CenterPoint-Oakland Development I, LLC for 66 years.

As you might expect, the Port's lease with CenterPoint calls for CenterPoint to meet the requirements of the OAB CEQA documents. As we all know, these requirements are vague and do not meet the standards we have been recommending to the City over the years.

I'll be drafting a letter from BAAQMD for the Sept. 28 meeting, urging the Port to implement measures consistent with our recommendations, etc.

Let me know if you have any questions or comments!

Thanks,

Alison Kirk, AICP  
Senior Environmental Planner  
415-749-5169

The Bay Area Air Quality Management District  
375 Beale Street, Suite 600  
San Francisco, CA 94105



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Thursday, November 9, 2017

Board Room – 2nd Floor

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*The Public Portion Of The Meeting Will Begin At 3:30 p.m.*

## ROLL CALL

*Commissioner Colbruno, Commissioner Hamlin, Commissioner Martinez, Commissioner Yee, 2nd Vice-President Cluver, 1st Vice President Butner and President Story.*

## 1. CLOSED SESSION (1:00 p.m.)

*Closed Session discussions and materials may not be disclosed to a person not entitled to receive it, unless the Board authorizes disclosure of that confidential information.*

### 1.1 CONFERENCE WITH REAL PROPERTY NEGOTIATOR - (Pursuant to California Government Code Section 54956.8)

**Property:** Berths 35-38, Port of Oakland

**Negotiating Parties:** Everport Terminal Services, Inc. and Port of Oakland

**Agency Negotiator:** John Driscoll, Director of Maritime

**Under Negotiation:** Price and Terms of Lease

**Property:** 7719 Oakport Street, Oakland, California

**Negotiating Parties:** Digital Design Communications, California General Services and Port of Oakland

**Agency Negotiator:** Pamela Kershaw, Director of Commercial Real Estate

**Under Negotiation:** Price and Terms of Tenancy

**File ID:** [343-17]

### 1.2 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (Initiation of Litigation Pursuant to Paragraph (4) of Subdivision (d) of California Government Code Section 54956.9): Number of Matter 1

**File ID:** [345-17]

### 1.3 THREAT TO PUBLIC SERVICES OF FACILITIES - (Pursuant to California Government Code Section 54957(a)):

**Consultation with:** David Von Damm, TSA Federal Security Director Douglas Mansel, Port of Oakland, Aviation Security Manager

**File ID:** [344-17]

**1.4 CONFERENCE WITH LABOR NEGOTIATORS** (Pursuant to California Government Code Section 54956.6):

- International Federation of Professional and Technical Engineers, Local 21; Service Employees International Union, Local 1021; Western Council of Engineers; International Brotherhood of Electrical Workers, Local 1245

**File ID:** [346-17]

**1.5 PUBLIC EMPLOYEE PERFORMANCE EVALUATION** (Pursuant to California Government Code Section 54957).

- Executive Director
- Port Attorney

**File ID:** [347-17]

**OPEN SESSION/ROLL CALL**

*Commissioner Colbruno, Commissioner Hamlin, Commissioner Martinez, Commissioner Yee, 2nd Vice-President Cluver, 1st Vice President Butner and President Story.*

**CLOSED SESSION REPORT**

*The Port Attorney or Board Secretary will report on any final actions taken in Closed Session.*

**2. CONSENT ITEMS**

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**File ID:** [336-17]

**Attachments:** [Agenda Report](#)

**2.2 Building Permit:** for Pacific Layberthing South, LLC for Utility and Dock Improvements at Berths 20/21 **(Engineering)**

**File ID:** [341-17]

**Attachments:** [Building Permit 5160](#)

- 2.3 Ordinance 4447**, 2nd Reading OF An Ordinance Approving And Authorizing The Executive Director To Enter Into A First Amendment To License And Concession Agreement With Brotzeit-Lokal, LLC To Extend The Term An Additional Five Years At A Monthly Rental Rate Of \$4,753 For Premises At 1000 Embarcadero Road, Oakland, California. **(Board)**

**File ID:** [\[342-17\]](#)

**Attachments:** [Ordinance 4447](#)

- 2.4 Minutes:** Approval of the Minutes of the Regular Meeting of October 12, 2017. **(Board)**

**File ID:** [\[340-17\]](#)

**Attachments:** [October 12, 2017 Minutes](#)

### 3. MAJOR PROJECTS

*This segment of the meeting is reserved for action and discussions regarding the status of Major Projects and issues of special importance.*

### 4. BUDGET & FINANCE

*This segment of the meeting is reserved for action or discussion regarding the status of Budget and Finance issues.*

- 4.1 Resolution:** Approval to Reimburse the City of Oakland for General Services and Lake Merritt Trust Services Rendered in Fiscal Year 2016-17. **(Finance & Admin)**

**File ID:** [\[294-17\]](#)

**Attachments:** [Agenda Report](#)

### 5. STRATEGY & POLICY

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- 5.1 Ordinance and Resolution:** Approve and Authorize Executive Director to Enter Into a Ground Lease with CenterPoint-Oakland Development I, LLC, for the Design, Construction, Finance, Operation (including sublease), and Maintenance of a Transload and Distribution Facility, On Approximately 27 Acres of Land on the Former Oakland Army Base/Seaport Logistics Complex, with a Term of 66 Years and Initial Fixed Rent of Approximately \$1.3 million per Year; Make Findings and Determination Pursuant to the California Environmental Quality Act; Approve a Budget of \$1 million for Certain Utility-Related Expenditures; and Approve the Operations Jobs Policy for Inclusion in the Ground Lease **(Maritime)**

**File ID:** [\[350-17\]](#)

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- 5.2 Resolution:** Cooperation Agreement Among the Port of Oakland and Specified Oakland Community-Based Organizations for the Seaport Logistics Project **(SRD)**

**File ID:** [\[348-17\]](#)

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[Attachment A](#)

[Attachment B](#)

- 5.3 Report:** Port's Non-Discrimination Policy to Increase Local Small Business Participation **(SRD)**

**File ID:** [\[323-17\]](#)

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## 6. REMAINING ACTION ITEMS

*Remaining Action Items are items not previously addressed in this Agenda that may require staff presentation and/or discussion and information prior to action by the Board.*

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**File ID:** [\[277-17\]](#)

**Attachments:** [Agenda Report](#)

## 7. UPDATES/ANNOUNCEMENTS

*The President, Members of the Board and the Executive Director will report on noteworthy events occurring since the last Board Meeting.*



## 8. SCHEDULING

*This segment of the meeting is reserved for scheduling items for future Agendas and/or scheduling Special Meetings*

- 8.1 Resolution:** Adopting the Regular Board Meeting Schedule for Calendar Year 2018.  
(Board)

**File ID:** [339-17]

**Attachments:** 2018 Board Calendar

## OPEN FORUM

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*The next Regular Meeting of the Board will be held on November 30, 2017.*

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Should you have questions or concerns regarding this Agenda, or wish to review any of the Agenda Related Materials, please contact the Secretary of the Board, Daria Edgerly, at: (510) 627-1337, or visit our web page at: [www.portoakland.com](http://www.portoakland.com)

To receive Port Agendas and Agenda Related Materials by email, please email your request to: [dedgerly@portoakland.com](mailto:dedgerly@portoakland.com)

### Disability Related Modifications

Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the meeting, may submit a written request, electronic request, or telephone request [via the California Relay Service (telephone) for the hearing impaired at (800) 735-2922], to the Secretary of the Board ***no later than five working days*** prior to the scheduled meeting date.

### Language & Interpretive Services

As a grantee of federal aid grant funds from the US Department of Transportation, the Port is responsible for ensuring equal access to its programs, services, and benefits. To request bilingual interpreters or materials in alternate formats, please contact the Acting Secretary of the Board no later than five working days prior to the scheduled meeting date.

Daria Edgerly, Secretary of the Board  
530 Water Street, Oakland, CA 94607  
[dedgerly@portoakland.com](mailto:dedgerly@portoakland.com)  
(510) 627-1337

## **Commissioner's Statement of Intention**

We are a governing Board whose authority lies with the entirety of the Board.

We govern in accordance with our fiduciary duty to the Port of Oakland.

We conduct ourselves with clarity and transparency, grounded in the principles of integrity, trust and respect.

We reach our decisions through candid, open and deliberative debate and hold both staff and ourselves accountable for implementing them.



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Thursday, November 9, 2017

Board Room – 2nd Floor

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You may speak on any item appearing on the Agenda. Please fill out a Speaker's Card and give it to the Board Secretary ***before the start of the meeting*** or immediately after conclusion of Closed Session. Cards received after the start of the meeting will be treated as a single request to speak in Open Forum. All speakers will be allotted a minimum of one minute.

### To Receive Agendas & Related Materials

Should you have questions or concerns regarding this Agenda, or wish to review any of the Agenda Related Materials, please contact the Secretary of the Board, Daria Edgerly, at: (510) 627-1337, or visit our web page at: [www.portoakland.com](http://www.portoakland.com)

To receive Port Agendas and Agenda Related Materials by email, please email your request to: [dedgerly@portoakland.com](mailto:dedgerly@portoakland.com)

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Daria Edgerly, Secretary of the Board  
530 Water Street, Oakland, CA 94607  
[dedgerly@portoakland.com](mailto:dedgerly@portoakland.com)  
(510) 627-1337

## **Commissioner's Statement of Intention**

We are a governing Board whose authority lies with the entirety of the Board.

We govern in accordance with our fiduciary duty to the Port of Oakland.

We conduct ourselves with clarity and transparency, grounded in the principles of integrity, trust and respect.

We reach our decisions through candid, open and deliberative debate and hold both staff and ourselves accountable for implementing them.

Message

---

**From:** Vance, Amy [Amy.Vance@HQ.DHS.GOV]  
**Sent:** 12/14/2017 5:24:15 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** RE: Questions: CBP Notice: Port of Oakland Trucker Work Group Bulletin - Centralized Examination Stations (CES) Information Notice

OK, if you want to give me a call now that works **Personal Matters / Ex. 6**

Thanks,

Amy

-----Original Message-----

**From:** Grow, Richard [mailto:Grow.Richard@epa.gov]  
**Sent:** Thursday, December 14, 2017 12:22 PM  
**To:** Vance, Amy <Amy.Vance@HQ.DHS.GOV>  
**Subject:** RE: Questions: CBP Notice: Port of Oakland Trucker Work Group Bulletin - Centralized Examination Stations (CES) Information Notice

Yes pls, though some time constraints. I'm on calls 1:30 - 3 your time, can talk anytime before then, available 3-4 your time, then not 4-6.

---

**From:** Vance, Amy [Amy.Vance@HQ.DHS.GOV]  
**Sent:** Thursday, December 14, 2017 8:29 AM  
**To:** Grow, Richard  
**Subject:** RE: Questions: CBP Notice: Port of Oakland Trucker Work Group Bulletin - Centralized Examination Stations (CES) Information Notice

Hi Richard -I finally have an update for you! Can I give you a call today?

Thanks,

Amy

**From:** Grow, Richard [mailto:Grow.Richard@epa.gov]  
**Sent:** Thursday, November 30, 2017 4:38 PM  
**To:** Quiveors, Lisa <Lisa.Quiveors@hq.dhs.gov>  
**Cc:** Vance, Amy <Amy.Vance@HQ.DHS.GOV>  
**Subject:** Questions: CBP Notice: Port of Oakland Trucker Work Group Bulletin - Centralized Examination Stations (CES) Information Notice

Lisa (cc Amy)

Just got this from the Trucker Work Group for the Port of Oakland, saying the West Oakland inspection station is no longer available and routing all inspections to "CFS Corp", apparently in Alameda. However, the letterhead references only the Port of San Francisco. I'm hoping you can get confirmation as to whether the "3PL" site which was the cause of so much concern is no longer doing CBP inspections at all (ie also not doing them for the Port of Oakland), and whether the CFS Corp site is in fact not in West Oakland.

Any information on the current selection process and whether any West Oakland sites are still under consideration would also be appreciated.

Thank you

Richard

**From:** Ralph Reynoso [mailto:rreynoso@portoakland.com]  
**Sent:** Thursday, November 30, 2017 1:03 PM  
**Subject:** Port of Oakland Trucker Work Group Bulletin - Centralized Examination Stations (CES) Information Notice

To All:

Please see information notice from the Customs & Border Protection Area Port Director. A formal announcement for new CES selection will be forthcoming (soon).

Please direct all questions to the departments and phone numbers listed on the notice.

[cid:image048.png@01D32662.AE807120]

Message

**From:** Brian Beveridge; **Personal Address / Ex. 6**  
**Sent:** 5/18/2017 3:53:39 AM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**CC:** Alison Kirk [AKirk@baaqmd.gov]; David Vintze [DVintze@baaqmd.gov]; anna.lee@acgov.org; Yura, Elizabeth@ARB [eyura@arb.ca.gov]; Marvin, Cynthia@ARB [cynthia.marvin@arb.ca.gov]; Margaret Gordon [margaret.woeip@gmail.com]; grow.r@att.net  
**Subject:** Re: RSVP Date check: OAB update call/meeting week of 5/22

I'm open Tuesday before 4 and Wed after 2. I leave town on Thursday and return late on the 30th. I could dial in during that absence.

Thanks, Brian

On May 17, 2017 8:47 PM, "Grow, Richard" <Grow.Richard@epa.gov> wrote:  
All

Per the exchange below, it looks like this could be a good time to catch up with each other, especially with the City's cancellation of tomorrow's (May 18) agency/City meeting on mitigation plans. With the next City meeting with the agencies set for May 30, I suggest we aim for a call/meeting sometime next week, the week of May 22. Please get back to me with any *unmoveable* constraints on your schedule for next week and we'll try to find a time that works for all. I can set up a conference line.

My only unmoveable conflicts are:

Monday 5/22 8-10

Tuesday 5/23 1-2:30

Weds 5/24 11-12:30

Friday 5/26 12-5

Thanks

Richard

**Personal Matters / Ex. 6**

-----  
Title VI OAB update

BB

Brian Beveridge; **Personal Address / Ex. 6**

Reply all |

Today, 8:09 PM

Grow, Richard;

David Vintze <DVintze@baaqmd.gov>;

Marvin, Cynthia@ARB <cynthia.marvin@arb.ca.gov>;

Lee, Anna, Public Health, CAPE <Anna.Lee@acgov.org>;

+2 more

Label: Inbox (Never) Expires: Never

Richard

We are pretty unclear about how these agency meetings with the city are going. We would like to have a conference call with all our collaboration partners and get picture of what the future looks like regarding the Oakland logistics center mitigations and transition to the 21st Century.

Back in Dec, and again in Jan, there seemed to be some strong intentions on the part of the agencies to develop a unified goal statement to inspire the city and port to greater action. Here at WOEIP we're not sure where this intentions went. Could you take the task of coordinating a phone call with our WOTRC partners so that we can all get up to speed before the next city meeting on the 30th.

Please call me if you need more clarity.

Thanks, Brian

---

**From:** Grow, Richard

**Sent:** Wednesday, May 17, 2017 8:13 AM

**To:** Margaret Gordon; Brian Beveridge

**Cc:** Marvin, Cynthia@ARB; Yura, Elizabeth@ARB; David Vintze; Alison Kirk; 'Lee, Anna, Public Health, CAPE'

**Subject:** Agency documents on OAB/Port mitigation

Ms. Margaret and Brian

Having excavated my in box and consulted with our partner agencies at ARB, BAAQMD and ACPH, I am forwarding the two documents that best represent where our ad hoc interagency group left off a few months ago. Both documents came about in the context of events taking place last fall, mainly (1) BAAQMD's initiative around incentives, working with the City and Port and (2) discussions at the 12/13/16 meeting. In a longer range context we – WOEIP and the group of four agencies - had been discussing for quite some time the need for the agencies to put forth a "list" of best recommendations for the OAB. The two documents, both drafts, are:

1. **Implementation Plan outline for the OAB** (attached as "OAB LDDA Implementation...") developed at BAAQMD. This is the document Cynthia referenced at the December 13 meeting and suggested we get a working group together including the City and Port and work our way thru the document measure-by-measure, resolving each in a well documented manner. In the report out from that meeting one of the two action items listed was:

"Working from the "Bold Vision for the Oakland Army Base" document (dated September 12, 2016) the working group will translate the broad objectives into specific action items, discuss barriers and solutions, and identify the responsible entity or entities and schedule to implement each action item. This action or implementation plan will define clear deliverables, be publicly released, and include a mechanism for publicly reporting to the community on progress."

Obviously this has not happened.

2. **Compilation of recommendations for OAB/Seaport facilities and operations** (attached as "Port of Oakland Seaport...") This was developed by CARB, circulated among the agencies and provided to the City in January, basically a compilation of recommendations made on other freight-related projects, potentially relevant (or not) to the Port of Oakland/OAB situation.

Both documents were in circulation among the agencies in mid-January in the expectation that they could be integrated into the start of a working document that could then become some sort of an implementation plan. That momentum, in hindsight, was interrupted when the City responded to the first action item coming out of the December 13 meeting ("The City and Port were asked to confer and provide suggestions for a new process to transform

*the current "quarterly air quality" meetings into a meaningful process addressing the concerns raised in the December 13 meeting. This process should include representatives from the federal agencies, Mayor's office, Port and MTC, and be re-evaluated at approximately four months regarding its effectiveness.")* with its lengthy January 23, 2017 letter which was basically unresponsive to either of the two action items regarding process and product.

I won't try to connect the dots from there to where we are today with the City rolling forward with its next three mitigation pieces, my impression being that each agency has its own perspective on the current process. I am copying ARB, BAAQMD and ACPH in the event they would like to offer their views, corrections or comments.

Richard

Message

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**From:** Machol, Ben [Machol.Ben@epa.gov]  
**Sent:** 1/9/2018 9:34:05 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** Automatic reply: Port of Oakland MAQIP

I am out of the office and will not be checking email until I return. If you would like immediate assistance please contact Trina Martynowicz at [martynowicz.trina@epa.gov](mailto:martynowicz.trina@epa.gov)

Ben Machol, P.E.

Manager, Technology & Partnerships Office

U.S. Environmental Protection Agency, Region 9

75 Hawthorne St. (AIR-9)

San Francisco, CA 94105

[machol.ben@epa.gov](mailto:machol.ben@epa.gov)

(415) 972-3770



Message

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**From:** McGowan, Patricia [PMcGowan@oaklandnet.com]  
**Sent:** 12/13/2017 7:55:02 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**CC:** Gilchrist, William [WGilchrist@oaklandnet.com]; sggrant@envirocommunications.com; agardner@portoakland.com; Ranelletti, Darin [DRanelletti@oaklandnet.com]  
**Subject:** RE: Truck Management Plan - studies and scope

Hello Richard,  
Please excuse my delay in replying to your e-mail. As you may know, City staff was on strike from Dec. 5 - 11, so I was unable to reply during that period.

Thank you for your attendance at the Dec. 2 public meeting and your compliment that you found it to be an excellent public workshop. Your comments/suggestions about the scope of the West Oakland Truck Management Plan are under consideration by the City and Port team. I will be in touch again as the City/Port team work through these suggestions.

Best regards,  
Patricia

Patricia McGowan, Environmental Coordinator | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510) 238-3588 | Fax: (510) 238-6538 |  
Email: PMcGowan@oaklandnet.com | Website: www.oaklandnet.com/planning

-----Original Message-----

From: Grow, Richard [mailto:Grow.Richard@epa.gov]  
Sent: Monday, December 04, 2017 11:50 AM  
To: McGowan, Patricia <PMcGowan@oaklandnet.com>  
Cc: Gilchrist, William <WGilchrist@oaklandnet.com>; sggrant@envirocommunications.com; agardner@portoakland.com  
Subject: Truck Management Plan - studies and scope

Patricia McGowan (cc William Gilchrist, Andrea Gardner, Surlene Grant)

This note is to follow up on the suggestion I put forward at the excellent community workshop on trucks in West Oakland which you hosted this past Saturday. In my remarks Saturday I made reference to a suggestion previously put forward by Ms. Margaret Gordon of the WOEIP at the July 10 meeting at City Hall which you also hosted, and during which EDF presented the findings from its "Street View" project documenting on a fine scale (block by block) the levels and distribution of black carbon. At the July 10 meeting Ms. Gordon suggested that the 20 or so parties gathered around the table, representing perhaps a dozen organizations, agencies and interests, work collaboratively together to assess and address the implications of the studies findings with regard to mitigation of the effects revealed by the study.

My suggestion this past Saturday was that you, along with others carrying out this latest "truck management plan" exercise, incorporate into the current planning effort time to for participants in the planning effort to consider the EDF/Google study as well as a more recent UC Berkeley assisted "100 x 100" West Oakland black carbon monitoring study. As I mentioned Saturday, there may be no community in the country for which there is a richer availability of local scale air pollutant data. It seems here that it would be unfortunate to not make use of this information in coming up with a truck plan addressing the public health impacts of truck-related operations in West Oakland.

Regarding the scope of the TMP, I hope you will be open to the possibility that consideration of this additional information could have some effect on the scope of the plan itself. It was clear from the discussions Saturday that the issue of the scope of the TMP is itself an issue of quite some concern to many stakeholders. This also goes to the assurances I had previously received from both yourself and Claudia Cappio at the August 23 Air Quality Stakeholders meeting, assurances that the scope of the TMP had not already been set, but would rather be set by way of the interactive process which you would be convening this fall. I found this encouraging, as well as consistent with the language of mitigation measure 4.3-7, committing to a truck management plan and enumerating 8 potential "elements", while also including the caveat that the plan "is not limited to" that list of elements.

I understand that you have been assuming the viability of a "five step" planning process as laid out at the Saturday meeting, with the next (i.e. third) meeting to be focused on "prioritization" of measures proposed by City staff based on the first two meetings, and acknowledge that my suggestions might result in the TMP process taking a bit longer, but hope that you will consider whether they might also add to the quality of and support for the plan. There may be some logic in getting a common understanding of, and agreement on, the scope of the plan before moving on to prioritizing components of the plan.

Please feel free to call me directly to discuss this further, and thanks again for the very educational event this past weekend.

Richard Grow  
US EPA  
Region 9  
(415) 947-4104

Message

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**From:** Vance, Amy [Amy.Vance@HQ.DHS.GOV]  
**Sent:** 4/12/2017 8:09:37 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]; Fitzpatrick, Ryan (OST) [ryan.fitzpatrick@dot.gov]  
**Subject:** RE: West Oakland discussions with City

Did we want to have a quick call this week to touch base on the complaint?

---

**From:** Grow, Richard [mailto:Grow.Richard@epa.gov]  
**Sent:** Wednesday, April 5, 2017 5:43 PM  
**To:** Fitzpatrick, Ryan (OST) <ryan.fitzpatrick@dot.gov>; Vance, Amy <Amy.Vance@HQ.DHS.GOV>  
**Subject:** Re: West Oakland discussions with City

## Deliberative Process / Ex. 5

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**From:** Fitzpatrick, Ryan (OST) <ryan.fitzpatrick@dot.gov>  
**Sent:** Wednesday, April 5, 2017 1:15 PM  
**To:** Grow, Richard; Amy.Vance@HQ.DHS.GOV  
**Subject:** RE: West Oakland discussions with City

## Deliberative Process / Ex. 5

**Ryan N. Fitzpatrick, Esq.**  
Lead Civil Rights Analyst  
Departmental Office of Civil Rights  
Office of the Secretary  
U.S. Department of Transportation  
W78-312  
(202) 366-1979

---

**From:** Grow, Richard [mailto:Grow.Richard@epa.gov]  
**Sent:** Wednesday, April 05, 2017 3:55 PM  
**To:** Fitzpatrick, Ryan (OST); Amy.Vance@HQ.DHS.GOV  
**Subject:** West Oakland discussions with City

Ryan and Amy

## Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

Hearing nothing from our HQ folks yet, pls let me know if yu do. Thx

Richard

---

**From:** David Vintze

**Sent:** Tuesday, April 4, 2017 1:42 PM

**To:** 'McGowan, Patricia' <PMcGowan@oaklandnet.com>

**Cc:** Ranelletti, Darin <DRanelletti@oaklandnet.com>; Cole, Doug <DCole@oaklandnet.com>; Monetta, John <JMonetta@oaklandnet.com>; Cappio, Claudia <CCappio@oaklandnet.com>; Pat Cashman <ptrckcshmn@gmail.com>; Wald, Mark <MWald@oaklandcityattorney.org>; Damian Breen <dbreen@baaqmd.gov>; Jean Roggenkamp <jroggenkamp@baaqmd.gov>; Henry Hilken <HHilken@baaqmd.gov>

**Subject:** RE: Request for a meeting

Hi Patricia,

Your summary is mostly correct but misses the most salient points of our discussion. We were discussing why the stakeholder group does not have any confidence in the City and its stakeholder process to ensure the air quality measures in the MMRP and LDDA would be implemented. I referenced the "underground" horizontal (#1) improvements that have occurred as an example of missed opportunities because the operational mitigation programs/plans had not been developed prior to the City's approval of the underground infrastructure. If the City had required the operational mitigation programs/plans called for in the MMRP and LDDA be prepared before any infrastructure construction began (as recommended by all the stakeholders years ago) we would not be discussing "if" we have enough power at the OAB to run the zero and near zero emission technologies. The issue related to power supply is a symptom of a bigger issue related to MMRP/LDDA implementation. As far as our discussion of low or zero emission (#2) technologies that the stakeholders have been recommending, the underlying problem is not the developers pushing back on stakeholder recommendations, it is more that the City has not required the operational mitigation programs/plans be prepared before development begins, which is inconsistent with all planning principals.

As I also mentioned, the existing stakeholder process appears to be structured more toward meeting purely procedural objectives and not to develop substantive implementation strategies to reduce air pollution from OAB development. I am interested (as are the other stakeholders) in participating in a new stakeholder process that establishes up-front a commitment from the City and the Port to develop the air quality operational programs/plans identified in the MMRP and the LDDA that haven't been discussed to date in the current stakeholder process. That is why I recommended to you that City staff meet with the agency staff participating in the stakeholder process to discuss how and when the air quality operational programs/plans called for in the MMRP and LDDA can be prepared before new development plans are approved by the City or occupancy permits are issued to the warehouse under construction. This meeting should discuss all potential emission sources at the OAB and not just "buildings" per your email below. I am confident that all the public agency stakeholders would be interested in a meeting to discuss these issues with City and Port staff. I look forward to participating in such a meeting.

As an FYI, the April 20 and 27 dates will not work for me.

Take Care,

Dave

---

**From:** McGowan, Patricia [<mailto:PMcGowan@oaklandnet.com>]  
**Sent:** Thursday, March 30, 2017 3:09 PM  
**To:** David Vintze <[DVintze@baaqmd.gov](mailto:DVintze@baaqmd.gov)>  
**Cc:** Ranelletti, Darin <[DRanelletti@oaklandnet.com](mailto:DRanelletti@oaklandnet.com)>; Cole, Doug <[DCole@oaklandnet.com](mailto:DCole@oaklandnet.com)>; Monetta, John <[JMonetta@oaklandnet.com](mailto:JMonetta@oaklandnet.com)>; Cappio, Claudia <[CCappio@oaklandnet.com](mailto:CCappio@oaklandnet.com)>; Pat Cashman <[ptrckcshmn@gmail.com](mailto:ptrckcshmn@gmail.com)>; Wald, Mark <[MWald@oaklandcityattorney.org](mailto:MWald@oaklandcityattorney.org)>; Damian Breen <[dbreen@baaqmd.gov](mailto:dbreen@baaqmd.gov)>  
**Subject:** Request for a meeting

Hi Dave,

You and I spoke in February after I received an e-mail from you stating that you were not interested in meeting in the current stakeholder process any further, or meeting with the developer or his team at all. During the phone call, I noted that your concerns could be summarized as:

1. Can the horizontal infrastructure bring enough electrical power to the OAB to power zero-emissions equipment and meet the future electrical needs at the OAB?
2. Zero emissions ideas were discussed at stakeholder meeting but the developers would push back and no real progress was made. "All we are getting are little pieces, like the construction AQ plan. We want a consistent approach for all the new building."
3. There should be an operational AQ plan that would set performance standards for what would apply to operations at the new buildings.
4. We should meet staff to staff, outside the quarterly stakeholder meetings, to work on this.

I am working on a reply to #1; we too want to ensure that there is enough electrical power. As far as #2 and #3, we hope that the initial AQ plans we review/approve will be used as a basis for the others. #4: We recently received the Operational Air Quality Plan from Prologis for their first building referred to at CE-1, Northeast Gateway. They have not yet secured a tenant; they have prepared this operational AQ plan to give to perspective tenants outlining the tenant's obligations regarding reducing air quality impacts and energy consumption (consistent with your request).

Prologis used the two lists we received from your office and CARB in developing their Plan and I think you will be pleased to see how many of the items on the lists have been incorporated.

We would like to have a staff to staff meeting to discuss this Plan before we release it for public comment to the stakeholders. Would you be available Thursday April 20 or 27, for a 1.5 hours meeting between 1:30-4? Our team will be Darin Ranelletti, John Monetta and myself.

We will want to focus on the items on those two lists which apply to buildings, not to ships, rail nor Port operations, but rather to warehouse operations. I am sending the meeting request to you; you can decide if you feel someone from CARB should attend. I am copying Damian Breen on this because of his interest in the project. We think it would be more efficient to have Prologis at the meeting but we will take your direction on this.

Best regards,  
Pat

**Patricia McGowan**, Environmental Coordinator | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510) 238-3588 | Fax: (510) 238-6538 | Email: [PMcGowan@oaklandnet.com](mailto:PMcGowan@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

**From:** Margaret Gordon **Personal Address / Ex. 6**  
**Sent:** 10/28/2017 1:37:16 AM  
**To:** Aadeyeye@earthjustice.org; pcort@earthjustice.org; Brian Beveridge **Personal Address / Ex. 6**  
**Subject:** Fwd: Suggested additional bullet for proposal describing Title VI lawsuit and its relevance to the AQ action plan

Adenike and and Paul,

After breakfast meeting, I formatted these bullets items for the mitigation use for DOT, the truck plan for both the City of Oakland and Port of Oakland. Please reply.

Draft:

The Comprehensive Truck Management-Under the terms of Environmental Impact Report created to spell out long term redevelopment plans for the Navy Supply Center and Oakland Army Base, the City and Port are required to take specific measures to mitigate the impacts of ships, trucks, trains on the West Oakland and all of the 800 Corridor. Those impact not just diesel air pollution, but related air toxins, and should include zero emission planning. All these activities must and should required in an Air Plan.

There are the following items must be include in the planning, messaging and overall development of a final document:

- Enforcement
- Comprehensive Planning for Goods Movements that connect to Alameda County Transportation Commission
- Incentives to Small Businesses-
- Conditions Use Permits
- Truck Routes
- Signage
- Truck Supportive Services (Truck parking)
- Land for Infrastructure for the Electrification Trucks-Land for Green Infrastructure
- Compliant Reporting
- Energy Generation/Solar Panels
- Land uses
- An agreed Air Monitoring Senors System
- Community Engagement, Standing Facilitated Meetings with Agencies, City of Oakland, the Port , Related Businesses, Unions and Impact Residents
- Proximity
- Emission measurements from the tail pipe, recorded and reporting cleaning of engines

Ms.Margaret Gordon

On Thu, Oct 26, 2017 at 2:48 PM, Ned Helme <[nedhelme@berkeley.edu](mailto:nedhelme@berkeley.edu)> wrote:

Hi Ms. Margaret and Brian, Brian and I had a good discussion yesterday about next steps for our project and for finalizing the proposal for foundations. We discussed the potential leverage that your Title VI suit could offer in strenthening the air quality action plan and pushing the City and Port to be more than passive bystanders or opponents of the plan. Here is the language I drafted as a rough first cut. This would be a bullet that would appear on page 3 of the draft proposal in the section labelled "The Current Opportunity". Please

edit this freely and return it to me asap, as I would promised to send Ophelia the proposal today. Many thanks,  
Ned

here is the draft suggested language:

- The City of Oakland also faces a federal Title VI lawsuit regarding its alleged use of federal funds in the Port of Oakland in ways that have led to racial discrimination. Negotiations between the City and the federal Department of Transportation and other federal agencies have begun and will consider mitigation measures relating to air quality and heavy duty vehicle traffic that could require actions by the City and the Port. These could contribute positively to the new air quality action plan."

-----  
Ned Helme  
Executive Director, Center for Environmental Public Policy  
Goldman School of Public Policy  
University of California, Berkeley  
Room 306  
2607 Hearst Avenue MC 7320  
Berkeley, CA 94720

Phone: 202-669-3847

-----  
Ms. Margaret Gordon/Co-Director  
West Oakland Environmental Indicators Project  
349 Mandela Parkway  
Oakland, CA 94607  
Personal Address / Ex. 6 Direct line  
www.woeip.org

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Ms. Margaret Gordon/Co-Director  
West Oakland Environmental Indicators Project  
349 Mandela Parkway  
Oakland, CA 94607  
Personal Address / Ex. 6 Direct line  
www.woeip.org

## Appointment

---

**From:** Temple, Kurt [Temple.Kurt@epa.gov]  
**Sent:** 4/11/2017 5:36:31 PM  
**To:** McGhee, Debra [mcghee.debra@epa.gov]; Farrell, Ericka [Farrell.Ericka@epa.gov]; Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** FW: Oakland complaint investigation DOT and EPA  
**Location:** Teleconference  
**Start:** 4/13/2017 3:00:00 PM  
**End:** 4/13/2017 4:00:00 PM  
**Show Time As:** Tentative

-----Original Appointment-----

**From:** Fitzpatrick, Ryan (OST) [mailto:ryan.fitzpatrick@dot.gov]  
**Sent:** Tuesday, April 11, 2017 1:35 PM  
**To:** Fitzpatrick, Ryan (OST); Rivera, Yvette (OST); Temple, Kurt; Caro-Lopez, Howard (OST)  
**Subject:** Oakland complaint investigation DOT and EPA  
**When:** Thursday, April 13, 2017 11:00 AM-12:00 PM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** Teleconference

To discuss the Earthjustice complaint filed against the Port and City of Oakland, with DOT and EPA

**Conference Line/Code / Ex. 6**



Message

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**From:** Strauss, Alexis [Strauss.Alexis@epa.gov]  
**Sent:** 1/12/2018 4:04:42 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** Re: W.O. status check, fallback ?

Shall we set up a call with Lilian and Kurt today or Tuesday?

> On Jan 12, 2018, at 7:57 AM, Grow, Richard <Grow.Richard@epa.gov> wrote:  
>  
> FYI. For what it's worth, January 14 (Sunday) is the 180 day point at which per our own regs at 40 CFR  
7 we are obligated to issue some sort of prelim finding. That's what the delay suit was all about.  
>  
> From: Grow, Richard  
> Sent: Friday, January 12, 2018 7:55 AM  
> To: Temple, Kurt  
> Subject: W.O. status check, fallback ?  
>  
> Hi Kurt -  
>  
> Hoping for reality check on status of getting the resolution agreement back from DOT and out to City  
and Port. Per my earlier notes re timing, I continue to feel we need to get something substantive on the  
table asap, at least as a "marker",  
> as the City and Port rather frenetically try to wrap up their truck and Port air plans unguided by any  
federal direction in the context of the Title VI complaint. Which goes to the question of the need for  
an (EPA) fallback strategy if DOT continues  
> to hesitate ? Feel free to call, best by cell as I'm on the road today.  
>

**Personal Matters / Ex. 6**

Message

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**From:** Strauss, Alexis [Strauss.Alexis@epa.gov]  
**Sent:** 12/14/2017 5:18:50 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** RE: Update on City/Port for your chat w LD

Thx, v helpful and focused.

Alexis Strauss  
Acting Regional Administrator  
E.P.A. Region 9  
75 Hawthorne Street  
San Francisco, CA 94105  
415-972-3572

-----Original Message-----

From: Grow, Richard  
Sent: Thursday, December 14, 2017 9:14 AM  
To: Strauss, Alexis <Strauss.Alexis@epa.gov>  
Subject: Update on City/Port for your chat w LD

# Deliberative Process / Ex. 5

Message

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**From:** Brian Beveridge; **Personal Address / Ex. 6**  
**Sent:** 5/18/2017 3:08:39 AM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**CC:** David Vintze [DVintze@baaqmd.gov]; Marvin, Cynthia@ARB [cynthia.marvin@arb.ca.gov]; Lee, Anna, Public Health, CAPE [Anna.Lee@acgov.org]; Margaret Gordon; **Personal Address / Ex. 6** Alison Kirk [AKirk@baaqmd.gov]  
**Subject:** Title VI OAB update

Richard

We are pretty unclear about how these agency meetings with the city are going. We would like to have a conference call with all our collaboration partners and get picture of what the future looks like regarding the Oakland logistics center mitigations and transition to the 21st Century.

Back in Dec, and again in Jan, there seemed to be some strong intentions on the part of the agencies to develop a unified goal statement to inspire the city and port to greater action. Here at WOEIP we're not sure where this intentions went. Could you take the task of coordinating a phone call with our WOTRC partners so that we can all get up to speed before the next city meeting on the 30th.

Please call me if you need more clarity.  
Thanks, Brian

Message

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**From:** Mogharabi, Nahal [MOGHARABI.NAHAL@EPA.GOV]  
**Sent:** 4/11/2017 4:24:56 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**CC:** Lakin, Matt [Lakin.Matthew@epa.gov]; BANDROWSKI, MIKE [Bandrowski.Mike@epa.gov]  
**Subject:** RE: Request: Earthjustice clip: Title VI complaint about West Oakland FW: EJ News 04/07/17

Yes, will do Richard.

So far, we had one request for a copy of the complaint which we sent them.

Thanks,

Nahal

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**From:** Grow, Richard  
**Sent:** Monday, April 10, 2017 12:24 PM  
**To:** Mogharabi, Nahal <MOGHARABI.NAHAL@EPA.GOV>  
**Cc:** Lakin, Matt <Lakin.Matthew@epa.gov>; BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>  
**Subject:** Request: Earthjustice clip: Title VI complaint about West Oakland FW: EJ News 04/07/17

Nahal

Is there any way you could keep me informed as to what, if anything, we have been saying to the media re the complaint ? Many of our state/local agency allies (ARB, BAAQMD et al) as well as community groups stay in touch with me by way of our ongoing work on West Oakland issues and it would be good if I was up to date as to what we are saying. Thanks

Richard  
7-4104

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**From:** Mogharabi, Nahal  
**Sent:** Monday, April 10, 2017 10:48 AM  
**To:** Lakin, Matt <[Lakin.Matthew@epa.gov](mailto:Lakin.Matthew@epa.gov)>  
**Cc:** Grow, Richard <[Grow.Richard@epa.gov](mailto:Grow.Richard@epa.gov)>; BANDROWSKI, MIKE <[Bandrowski.Mike@epa.gov](mailto:Bandrowski.Mike@epa.gov)>  
**Subject:** Re: Earthjustice clip: Title VI complaint about West Oakland FW: EJ News 04/07/17

Thanks so much, Matt.

Will let you know if the reporter has follow up.

Nahal

On Apr 10, 2017, at 9:01 AM, Lakin, Matt <[Lakin.Matthew@epa.gov](mailto:Lakin.Matthew@epa.gov)> wrote:

Nahal,

Here is the link to the complaint you requested:

[http://earthjustice.org/sites/default/files/files/2017-04-04-TitleVI\\_Complaint.pdf](http://earthjustice.org/sites/default/files/files/2017-04-04-TitleVI_Complaint.pdf)

<http://earthjustice.org/news/press/2017/community-group-alleges-civil-rights-violations-by-the-city-and-port-of-oakland-in-complaint-to-federal>

Richard Grow is our staff lead if you have any questions from EPA's perspective.  
Thanks,  
Matt

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Matthew Lakin, Ph.D.  
Acting Deputy Director, Air Division  
US EPA, Region 9 (AIR-1) | 75 Hawthorne St. | San Francisco, CA 94105  
P: 415.972.3851 | E: [Lakin.Matthew@epa.gov](mailto:Lakin.Matthew@epa.gov)

Message

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**From:** Alison Kirk [AKirk@baaqmd.gov]  
**Sent:** 12/7/2017 4:18:56 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]; Lee, Anna, Public Health, OOD [anna.lee@acg; [Redacted]  
[eyura@arb.ca.gov]; Robbie Morris [Robbie.morris@arb.ca.gov]; Brian Beveridge [Redacted] **Personal Address / Ex. 6**  
Margaret Gordo [Redacted] **Personal Address / Ex. 6** Aadeyeye@earthjustice.org; Ken Alex [Ken.Alex@GOV.CA.GOV];  
Garcia, Yana@EPA (Yana.Garcia@calepa.ca.gov) (Yana.Garcia@calepa.ca.gov) [Yana.Garcia@calepa.ca.gov]  
**CC:** David Vintze [DVintze@baaqmd.gov]; Henry Hilken [HHilken@baaqmd.gov]  
**Subject:** POAK Agenda 12/14 - MAQIP Agenda Item 5.1  
**Attachments:** December 14, 2017 Board Agenda.pdf

Hello,

Just wanted to bring to your attention Agenda Item 5.1 "Maritime Air Quality Improvement Plan ("MAQIP") Status Report".

The Port has agreed to update the MAQIP as part of its effort to meet mitigation obligations for the Oakland Army Base.

Agenda attached and link to Staff Report for this item below.

<http://portofoakland.legistar.com/gateway.aspx?M=F&ID=9914520a-a4a9-492b-9ef3-67e97063ef79.docx>

Thank you!

Alison Kirk  
Senior Environmental Planner  
415-749-5169



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Thursday, December 14, 2017

Board Room – 2nd Floor

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*The Public Portion Of The Meeting Will Begin At 3:30 p.m.*

## ROLL CALL

*Commissioner Colbruno, Commissioner Hamlin, Commissioner Martinez, Commissioner Yee, 2nd Vice-President Cluver, 1st Vice President Butner and President Story.*

### 1. CLOSED SESSION (1:00 p.m.)

*Closed Session discussions and materials may not be disclosed to a person not entitled to receive it, unless the Board authorizes disclosure of that confidential information.*

- 1.1 CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION** - (Significant Exposure to Litigation Pursuant to Paragraph (2) of Subdivision (d) of California Government Code Section 54956.9): Number of **Matters** **1**

*West Oakland Environmental Indicators Project Title VI Complaint: DOT#2017-0093, EPA File Nos. 13R-17-R9 (City of Oakland) and 14R-17-R9 (Board of Port Commissioners and Port of Oakland)*

**File ID:** [409-17]

- 1.2 CONFERENCE WITH LABOR NEGOTIATORS** (Pursuant to California Government Code Section 54956.6):

- International Federation of Professional and Technical Engineers, Local 21; Service Employees International Union, Local 1021; Western Council of Engineers; International Brotherhood of Electrical Workers, Local 1245

**File ID:** [410-17]

- 1.3 PUBLIC EMPLOYEE PERFORMANCE EVALUATION** (Pursuant to California Government Code Section 54957):

- Executive Director

**File ID:** [411-17]

- 1.4 PUBLIC EMPLOYMENT** (Pursuant to California Government Code Section 54957).

- Chief Audit Officer

**File ID:** [412-17]

**1.5 CONFERENCE WITH REAL PROPERTY NEGOTIATOR - (Pursuant to California Government Code Section 54956.8)**

**Property:** Hangars 2, 230C & 230D

**Negotiating Parties:** KaiserAir, Inc. and Port of Oakland

**Agency Negotiator:** Bryant Francis, Director of Aviation & Brandon J. Mark, Manager of Airport Properties

**Under Negotiation:** Price and Terms of Tenancy

**Property:** All Food & Beverage Concession Units at Oakland International Airport (approx. 21,000 sf in sixteen locations)

**Negotiating Parties:** Port-contracted consultant SI Partners, Inc. (represented by Susan C. Schooley and O.B. Schooley) and Port of Oakland

**Agency Negotiator:** Bryant Francis, Director of Aviation & Brandon J. Mark, Manager of Airport Properties

**Under Negotiation:** Price and Terms of Tenancy

**Property:** Oakland International Container Terminal (Berths 55-59) 1717 Middle Harbor Road and Matson Terminal (Berths 60-63) 1579 Middle Harbor Road - Port of Oakland

**Negotiating Parties:** SSA Terminals, LLC, SSA Terminals (Oakland), LLC and Port of Oakland

**Agency Negotiator:** John Driscoll, Director of Maritime

**Under Negotiation:** Price and Terms of Lease

**Property:** Berth 34 and Berths 35-38, Port of Oakland

**Negotiating Parties:** Everport Terminal Services, Inc. and Port of Oakland

**Agency Negotiator:** John Driscoll, Director of Maritime

**Under Negotiation:** Price and Terms of Lease

**File ID:** [408-17]

**OPEN SESSION/ROLL CALL**

*Commissioner Colbruno, Commissioner Hamlin, Commissioner Martinez, Commissioner Yee, 2nd Vice-President Cluver, 1st Vice President Butner and President Story.*

**CLOSED SESSION REPORT**

*The Port Attorney or Board Secretary will report on any final actions taken in Closed Session.*

**2. CONSENT ITEMS**

*Action by the Board under "Consent Items" means that all matters listed below have been summarized and will be adopted by one motion and appropriate vote. Consent Items may be removed for further discussion by the Board at the request of any member of the Board.*



- 2.1 Ordinance:** Authorize the Executive Director to Enter into a First Amendment to a 199 of Easement Agreement with the San Francisco Bay Area Rapid Transit District for square feet within the Berths 25-33 Marine Terminal at No Cost (\$0). **(Maritime)**

**File ID:** [\[395-17\]](#)

**Attachments:** [Agenda Report](#)

- 2.2 Ordinance:** Approval of an Amendment to an Existing License and Concession Agreement with California Generator Service Corporation to Expand Their Premises to Include 7719 Oakport Street, Increase the Term of the Agreement and Increase the Monthly Rent by \$4,125.00 **(CRE)**

**File ID:** [\[394-17\]](#)

**Attachments:** [Agenda Report](#)

- 2.3 Resolution:** Authorize the Executive Director to Extend the Contract for Security Services at Middle Harbor Shoreline Park (MHSP) with ABC Security Services, Inc. through July 1, 2018 for approximately \$90,000. **(SRD)**

**File ID:** [\[392-17\]](#)

**Attachments:** [Agenda Report](#)

- 2.4 Building Permit:** for Southwest Airlines for Tenant Improvement for their In-Flight/Quiet Area, 1 Airport Drive, Terminal 1, Lower Level, Building # M103 **(Engineering)**

**File ID:** [\[397-17\]](#)

**Attachments:** [Building Permit 5162](#)

- 2.5 Building Permit:** for DHL for Improvements to their Sort Building and Demolition of the Airside Annex, 7201 Earhart Road, Building # L812 **(Engineering)**

**File ID:** [\[398-17\]](#)

**Attachments:** [Building Permit 5166](#)

- 2.6 Ordinance 4451,** 2nd Reading Of An Ordinance Approving Amendment To Space/Use Permit With Civil Air Patrol To Extend The Term By Five Years At A Monetary Consideration Of \$1.00 Per Annum For Premises At North Field At Oakland International Airport.

**File ID:** [\[400-17\]](#)

**Attachments:** [Ordinance 4451](#)

- 2.7 Ordinance 4452,** 2nd Reading Of An Ordinance Approving Second Supplement To License And Concession Agreement With SFO Hotel Shuttle, Inc. For An Initial Term Of Four Years At A Rental Of \$17,084.10 Per Month, Plus Two Five-Year Options, For 51,770 Square Feet Of Improved Real Property At The North Field At Oakland International Airport.

**File ID:** [\[401-17\]](#)

**Attachments:** [Ordinance 4452](#)

- 2.8 Ordinance 4453**, 2nd Reading Of An Ordinance Approving Amendment No. 1 To Telecommunications License Agreement With New Cingular Wireless Pcs, LLC To Extend The Term By Five Years At An Initial License Fee Of \$11,675 Per Month For A Site On The Rooftop Area At Hangar 3 At Oakland International Airport.
- File ID:** [\[402-17\]](#)
- Attachments:** [Ordinance 4453](#)
- 2.9 Ordinance 4454**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Extend The Term Of Three Temporary Right Of Entry And Construction Access Agreements For Three Years With The City Of Oakland And The Affected Tenants For Installation Of Waterfront Trail Improvements On Three Port-Owned Properties Located Along The Oakland Estuary.
- File ID:** [\[403-17\]](#)
- Attachments:** [Ordinance 4454](#)
- 2.10 Ordinance 4455**, 2nd Reading Of An Ordinance Approving And Authorizing The Executive Director To Enter Into A Third Amendment To Temporary Rental Agreement With O.C. Jones And Sons, Inc. To Extend The Term Through June 30, 2018 For Approximately 6 Acres Of Vacant Land By 7th Street And Old Navy Road, Oakland, California.
- File ID:** [\[404-17\]](#)
- Attachments:** [Ordinance 4455](#)
- 2.11 Ordinance 4456**, 2nd Reading Of An Ordinance Approving Airline Operating Agreement With Delux Public Charter, LLC Doing Business As JETSUITEX, Operating At Oakland International Airport.
- File ID:** [\[405-17\]](#)
- Attachments:** [Ordinance 4456](#)
- 2.12 Ordinance 4458**, 2nd Reading Of An Ordinance Authorizing The Executive Director To (1) Extend The Term Of A No-Cost Temporary Rental Agreement With Seafarer's Ministry Of The Golden Gate Through March 31, 2018 And (2) Enter Into A No-Cost Lease With Seafarer's Ministry Of The Golden Gate For A 0.2 Acre Parcel Of Land In The Maritime Area For A Term Of Five Years With One Five-Year Extension Option.
- File ID:** [\[407-17\]](#)
- Attachments:** [Ordinance 4458](#)
- 2.13 Minutes:** Approval of the Minutes of the Regular Board meetings of October 26, 2017 and November 9, 2017.
- File ID:** [\[396-17\]](#)
- Attachments:** [October 26, 2017 Minutes](#)  
[November 9, 2017 Minutes](#)

### 3. MAJOR PROJECTS

*This segment of the meeting is reserved for action and discussions regarding the status of Major Projects and issues of special importance.*

### 4. BUDGET & FINANCE

*This segment of the meeting is reserved for action or discussion regarding the status of Budget and Finance issues.*

### 5. STRATEGY & POLICY

*This segment of the meeting is reserved for action or discussion on Strategy and Policy Issues.*

**5.1 Report:** Maritime Air Quality Improvement Plan ("MAQIP") Status Report **(Engineering)**

**File ID:** [\[295-17\]](#)

**Attachments:** [Report](#)

**5.2 Resolution:** Authorize the Executive Director to Enter into a Contract with Mason Tillman Associates, Ltd. to Conduct a Race and Gender Disparity Study for an Amount Not to Exceed \$350,000, and Authorize an Increase in FY 2017-18 Budget of \$175,000. **(SRD)**

**File ID:** [\[382-17\]](#)

**Attachments:** [Agenda Report](#)

### 6. REMAINING ACTION ITEMS

*Remaining Action Items are items not previously addressed in this Agenda that may require staff presentation and/or discussion and information prior to action by the Board.*

**6.1 Resolution:** Approval to Execute an Agreement for Three Years With up to Two One-Year Options with LAZ Parking California LLC for Airport Public Parking Management and Operations, for an Amount Not to Exceed \$25,960,069. **(Aviation)**

**File ID:** [\[366-17\]](#)

**Attachments:** [Agenda Report](#)

**6.2 Resolution:** Approval to Execute an Agreement for Three Years With up to Two One-Year Options with SP+ Transportation, an Operating Division of SP Plus Corporation, for Airport Shuttle Bus, Ground Transportation and Curbside Management Services, for an Amount Not to Exceed \$29,834,767. **(Aviation)**

**File ID:** [\[399-17\]](#)

**Attachments:** [Agenda Report](#)

- 6.3 Resolution:** Approve \$945,000 Design Budget for Southfield Pavement Improvements and Airfield Signage Replacement Projects, and Authorization to Apply for and Accept Grant Awards from the Federal Aviation Administration (FAA) for the Following Projects: Southfield Pavement Improvements, Airfield Signage Replacement, Airfield Geometric Study and Airport Layout Plan Update, Oakland International Airport. **(Aviation)**

**File ID:** [\[381-17\]](#)

**Attachments:** [Agenda Report](#)

- 6.4 Ordinance:** Authorization to Extend Space Assignment Agreements that have been in effect for more than one year as of December 14, 2017; Authorization to Extend Space Assignment Agreements that are likely to be in effect for more than one year as of December 31, 2018; and Waiver of the Three-Month Security Deposit Requirement for Three Tenants. **(Maritime)**

**File ID:** [\[393-17\]](#)

**Attachments:** [Agenda Report](#)

- 6.5 Resolution:** Adoption of a Resolution Necessary to Appoint Katherine Buckley as the Acting Chief Audit Officer and to Provide Temporary Supplemental Compensation of Six Percent. **(Finance & Admin)**

**File ID:** [\[413-17\]](#)

**Attachments:** [Agenda Report](#)

- 6.6 Ordinance 4457,** 2nd Reading Of An Ordinance Approving Amendment To Lease With DHL Express (USA), Inc. To Extend The Term For Five Years At An Initial Rental Of \$43,848 Per Month For Premises At North Field At Oakland International Airport.

**File ID:** [\[406-17\]](#)

**Attachments:** [Ordinance 4457](#)

## 7. UPDATES/ANNOUNCEMENTS

*The President, Members of the Board and the Executive Director will report on noteworthy events occurring since the last Board Meeting.*

## 8. SCHEDULING

*This segment of the meeting is reserved for scheduling items for future Agendas and/or scheduling Special Meetings*

## OPEN FORUM

*The Board will receive public comment on non-agenda items during this time. Please fill out a speaker card and present it to the Secretary of the Board.*

## ADJOURNMENT

*The next Regular Meeting of the Board will be held on January 25, 2018.*

## PUBLIC PARTICIPATION

### To Speak on an Agenda Item

You may speak on any item appearing on the Agenda. Please fill out a Speaker's Card and give it to the Board Secretary ***before the start of the meeting*** or immediately after conclusion of Closed Session. Cards received after the start of the meeting will be treated as a single request to speak in Open Forum. All speakers will be allotted a minimum of one minute.

### To Receive Agendas & Related Materials

Should you have questions or concerns regarding this Agenda, or wish to review any of the Agenda Related Materials, please contact the Board Secretary, Daria Edgerly, at: (510) 627-1337, or visit our web page at: [www.portofoakland.com](http://www.portofoakland.com)

To receive Port Agendas and Agenda Related Materials by email, please email your request to: [dedgerly@portoakland.com](mailto:dedgerly@portoakland.com)

### Disability Related Modifications

Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the meeting, may submit a written request, electronic request, or telephone request [via the California Relay Service (telephone) for the hearing impaired at (800) 735-2922], to the Secretary of the Board ***no later than five working days*** prior to the scheduled meeting date.

Daria Edgerly, Secretary of the Board  
530 Water Street, Oakland, CA 94607  
[dedgerly@portoakland.com](mailto:dedgerly@portoakland.com)  
(510) 627-1337

### Language & Interpretive Services

As a grantee of federal aid grant funds from the US Department of Transportation, the Port is responsible for ensuring equal access to its programs, services, and benefits. To request bilingual interpreters or materials in alternate formats, please contact the Assistant Secretary of the Board no later than five working days prior to the scheduled meeting date.

Daria Edgerly, Secretary of the Board  
530 Water Street, Oakland, CA 94607  
[dedgerly@portoakland.com](mailto:dedgerly@portoakland.com)  
(510) 627-1337

## **Commissioners' Statement of Intention**

We are a governing Board whose authority lies with the entirety of the Board.

We govern in accordance with our fiduciary duty to the Port of Oakland.

We conduct ourselves with clarity and transparency, grounded in the principles of integrity, trust and respect.

We reach our decisions through candid, open and deliberative debate and hold both staff and ourselves accountable for implementing them.

Message

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**From:** Mogharabi, Nahal [MOGHARABI.NAHAL@EPA.GOV]  
**Sent:** 4/10/2017 5:48:26 PM  
**To:** Lakin, Matt [Lakin.Matthew@epa.gov]  
**CC:** Grow, Richard [Grow.Richard@epa.gov]; BANDROWSKI, MIKE [Bandrowski.Mike@epa.gov]  
**Subject:** Re: Earthjustice clip: Title VI complaint about West Oakland FW: EJ News 04/07/17

Thanks so much, Matt.

Will let you know if the reporter has follow up.

Nahal

On Apr 10, 2017, at 9:01 AM, Lakin, Matt <[Lakin.Matthew@epa.gov](mailto:Lakin.Matthew@epa.gov)> wrote:

Nahal,

Here is the link to the complaint you requested:

[http://earthjustice.org/sites/default/files/files/2017-04-04-TitleVI\\_Complaint.pdf](http://earthjustice.org/sites/default/files/files/2017-04-04-TitleVI_Complaint.pdf)

<http://earthjustice.org/news/press/2017/community-group-alleges-civil-rights-violations-by-the-city-and-port-of-oakland-in-complaint-to-federal>

Richard Grow is our staff lead if you have any questions from EPA's perspective.

Thanks,  
Matt

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Matthew Lakin, Ph.D.  
Acting Deputy Director, Air Division  
US EPA, Region 9 (AIR-1) | 75 Hawthorne St. | San Francisco, CA 94105  
P: 415.972.3851 | E: [Lakin.Matthew@epa.gov](mailto:Lakin.Matthew@epa.gov)

Message

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**From:** Vance, Amy [Amy.Vance@HQ.DHS.GOV]  
**Sent:** 12/14/2017 4:29:16 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** RE: Questions: CBP Notice: Port of Oakland Trucker Work Group Bulletin - Centralized Examination Stations (CES) Information Notice

Hi Richard –I finally have an update for you! Can I give you a call today?

Thanks,

Amy

---

**From:** Grow, Richard [mailto:Grow.Richard@epa.gov]  
**Sent:** Thursday, November 30, 2017 4:38 PM  
**To:** Quiveors, Lisa <Lisa.Quiveors@hq.dhs.gov>  
**Cc:** Vance, Amy <Amy.Vance@HQ.DHS.GOV>  
**Subject:** Questions: CBP Notice: Port of Oakland Trucker Work Group Bulletin - Centralized Examination Stations (CES) Information Notice

Lisa (cc Amy)

Just got this from the Trucker Work Group for the Port of Oakland, saying the West Oakland inspection station is no longer available and routing all inspections to “CFS Corp”, apparently in Alameda. However, the letterhead references only the Port of San Francisco. I’m hoping you can get confirmation as to whether the “3PL” site which was the cause of so much concern is no longer doing CBP inspections at all (ie also not doing them for the Port of Oakland), and whether the CFS Corp site is in fact not in West Oakland.

Any information on the current selection process and whether any West Oakland sites are still under consideration would also be appreciated.

Thank you

Richard

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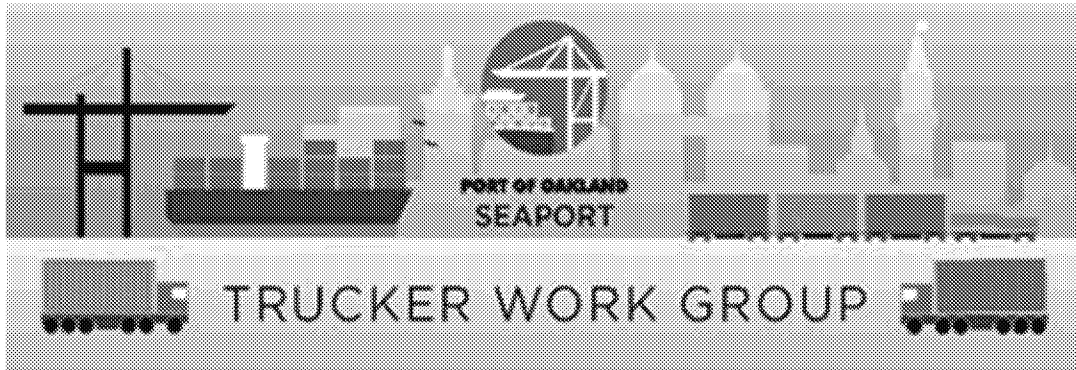
**From:** Ralph Reynoso [mailto:rreynoso@portoakland.com]  
**Sent:** Thursday, November 30, 2017 1:03 PM  
**Subject:** Port of Oakland Trucker Work Group Bulletin - Centralized Examination Stations (CES) Information Notice

**To All:**

Please see information notice from the Customs & Border Protection Area Port Director. A formal announcement for new CES selection will be forthcoming (soon).

Please direct all questions to the departments and phone numbers listed on the notice.





**From:** Brian Beveridge [Personal Address / Ex. 6]  
**Sent:** 1/9/2018 2:31:10 AM  
**To:** Margaret Gordon [Personal Address / Ex. 6]; Grow, Richard [Grow.Richard@epa.gov]; Lee, Anna, Public Health, CAPE [Anna.Lee@acgov.org]  
**Subject:** MAQIP meeting with Port and Concur today

Hi all

Ms. M being sick with the flu, I took the meeting with Sinkhoff, Arreola, and a new staff person Catherine Mukai (who used to work for Environ.) Mukai appears to have been brought in as part of a series of new hires in the environmental department.

We spent more than 3 hours, the first hour absorbed by Sinkhoff's usual "framing" comments. He included that they are reassembling the original Co-Chairs to head the update meetings. After his lengthy verbal presentation I had a few questions based on their "draft" goals for the MAQIP update. None of my questions were answered specifically, but everyone took notes.

1. How will new data sets from on the ground research be integrated into the Port's emissions inventory? Sinkhoff says that they are continuing to improve the inventory with new analysis and input from the Air District. He emphasized again that they are using the "State's model" for emissions modeling.
2. Regarding the identification of emission reduction measures that are "commercially available, feasible and cost effective," I asked how the Port would intend to actually implement such measures. Richard talked about the difficulties of getting voluntary action from their tenants and business partners. I told him that we expect more proactive pressure from the port to get these things done.
3. I asked about the timetable for updating the MAQIP. It is "every two or three years." They said that they had done a review (that I participated in apparently) in 2015. I clarified, and they agreed, that it was not a reassessment, but simply a success report.

Richard said they are under time pressure to get the update finished by April so that they can submit specific grant intentions in the budget for the new fiscal year. I told them they should be budgeting for program dollars and grant application over multiple years, because the grant funds come up every year. What they can't do this year they should be planning to do next year, and so forth. I pushed hard for an actual "plan." Scott, of Concur, rephrased my request as an "adaptive management plan," that does reassessment and strategies on a schedule of action. I said, yes, that sounds like what we, and all the agencies, wanted in the first place. Sinkhoff said the Port CFO wants a tangible plan for Port budgeting (not a wish list), and I said we basically agree.

4. After Sinkhoff stated that the original MAQIP had three broad goals: early action, regulatory compliance, and actions above and beyond compliance, I asked that they report on how they have addressed items 1 and 3. Since we already expect them to obey the law and comply with established regs.

Sinkhoff made a big point about their great success in reducing their "on land" emissions, and said that the big problem is ship pollution that happens before the ships get to the dock. I pointed out that the Robert Harley studies show approximately 76% reductions in drayage fleet emissions (not 98%) and that it appears that 8% - 10% of trucks are out of compliance and heavy polluters. I suggested that the port should devise a way to find those trucks and get them compliant.

I also said that achieving the goals of 85% reduction by 2020 is great, they should do what they said they would do (i.e. be compliant), that does not preclude incorporating newer technology to maybe replace diesel altogether in some cargo handling activities, sooner than the new 2030 targets. It's obvious that they are striving to achieve 2020 compliance, rather than look seriously toward zero emissions and electrification.

Lastly, I reminded them all of the Port Commission's history of ignoring staff recommendations about environmental mitigation, like the fight over the \$5 million for the truck plan, and the refusal to pass container fees even after Omar Benjamin showed that such fees would not harm business, i.e. the Elasticity Study done back when. I said that we need some kind of commitment to action by the Commission before we do all this work for nothing.

I asked when the first Co-chair's meeting would be, and they said they had not thought about the need for the Co-chairs to meeting in advance of the main meetings. I said it didn't make sense for us not to confer on agendas and consensus issues prior to engaging the entire Task Force. We made tentative plans for the first Co-chairs meeting on Jan. 18, at 10AM.

I never said we would not participate, but I did say we need a response by next week to the terms of engagement memo that I shared with all of you. They raised a question about participation by USDOT, since they were not an original stakeholder. I said USDOT could experience the process for themselves, or Richard could interpret the process and report to DOT via the inter agency working group. Sinkhoff said, "it's a public meeting. Anyone can attend."

Scott thanked me for hosting the meeting and getting these issues out on the table before the first official meeting on Jan.26.

There are probably things I have missed in this report, so feel free to send questions.  
regards, Brian

"(Community) resilience can be understood as place-based cultural practice that defines how residents survive in neighborhoods that already look broken, yet function due to existing social networks, tacit knowledge, and local histories." - Hector Fernando Burga

BRIAN BEVERIDGE, Co-Director  
West Oakland Environmental Indicators Project  
349 Mandela Pkwy.  
Oakland, Ca. 94607

Personal Address / Ex. 6

WWW.WOEIP.ORG

Message

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**From:** Lee, Anna, Public Health, OOD [Anna.Lee@acgov.org]  
**Sent:** 1/12/2018 4:58:25 AM  
**To:** Marvin, Cynthia@ARB [cynthia.marvin@arb.ca.gov]; Grow, Richard [Grow.Richard@epa.gov]; Yura, Elizabeth@ARB [eyura@arb.ca.gov]  
**Subject:** RE: RSVP: Availability for interagency call about MAQIP

Hi everyone,

Happy New Year! I can talk Tuesday, 3-4pm and Wednesday 9-10 or 11-12. There's a chance I can talk Tuesday before 11am, but I'm still waiting to hear back about another meetings, so I want to hold that time for now. By the way, Dr. Davis and I are talking to Concur tomorrow at 3pm. I haven't received an invitation for 1/26 either.

Thanks  
Anna

Anna Lee  
Local Policy Coordinator  
Alameda County Public Health Department  
1000 Broadway, Suite 500  
Oakland, CA 94607  
anna.lee@acgov.org | Phone: (510) 267-8019

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**From:** Marvin, Cynthia@ARB [cynthia.marvin@arb.ca.gov]  
**Sent:** Thursday, January 11, 2018 5:00 PM  
**To:** Grow, Richard; Yura, Elizabeth@ARB; Lee, Anna, Public Health, OOD  
**Subject:** RE: RSVP: Availability for interagency call about MAQIP

I am totally booked during your times, but Liz may have a bit more flexibility. She's in DC and may need more time than usual to respond.  
Cyn

PS, Hi Anna, happy new year!

**From:** Grow, Richard [mailto:Grow.Richard@epa.gov]  
**Sent:** Thursday, January 11, 2018 3:29 PM  
**To:** Marvin, Cynthia@ARB <cynthia.marvin@arb.ca.gov>; Yura, Elizabeth@ARB <eyura@arb.ca.gov>; 'Lee, Anna, Public Health, CAPE' <Anna.Lee@acgov.org>  
**Subject:** RSVP: Availability for interagency call about MAQIP

Cynthia, Elizabeth and Anna

We have just responded to the Port/CONCUR invite to join this round of the MAQIP task force, but also told them we are talking with the agencies who made up the IWG on the previous MAQIP effort and may need time to have those discussions, which may impede their planned first (of three) meetings set for January 26 (for which we have not seen an invitation). I've heard back from Jack B that he agrees there should be an IWG again this time and it should have some discussion before the MAQIP TF is convened. He also identified Greg Nudd as the main rep on the TF, though Jack intends to act as one of the co-chairs of the TF, as BAAQMD (and EIP) did last time.

This note is to see whether you are available for a first rather informal conversation next Tuesday or Wednesday at any of the times listed below. For now we see the IWG as including only the environmental/health agencies (ie not the City or Port) meaning CARB, BAAQMD, ACPHD and EPA. Attaching EIP conditions as of Monday when presented to Port and the current CONCUR project description.

Times:

Tuesday 1/16: 10-12, 1-2, 3-4  
Wednesday 1/17: 9-10, 11-12

If none of these work we may have to consider Thursday morning, but sooner would be good.

Thanks

**Personal Matters / Ex. 6**

Message

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**From:** BANDROWSKI, MIKE [Bandrowski.Mike@epa.gov]  
**Sent:** 1/8/2018 6:15:13 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** RE: West Oakland Title VI update

Thanks Richard. I put you on the agenda for a short update on this at our AT-EJ meeting tomorrow. I also responded to Amy and Stephanie to let them know that if they want a manager to participate in the MAQIP process, I am willing to be the lead.

**Mike Bandrowski** | Manager, Office of Air Toxics, Radiation and Indoor Air  
U.S. Environmental Protection Agency | Region 9 | Air Division, Air-6 | 75 Hawthorne St |  
San Francisco, CA 94105 | Tel 415.947-4194 | [bandrowski.mike@epa.gov](mailto:bandrowski.mike@epa.gov)

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**From:** Grow, Richard  
**Sent:** Thursday, January 04, 2018 8:11 AM  
**To:** Lakin, Matt <Lakin.Matthew@epa.gov>  
**Cc:** Adams, Elizabeth <Adams.Elizabeth@epa.gov>; Valentine, Stephanie <Valentine.Stephanie@epa.gov>;  
BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>; Zimpfer, Amy <Zimpfer.Amy@epa.gov>; Israels, Ken  
<Israels.Ken@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Reyes, Deldi <Reyes.Deldi@epa.gov>  
**Subject:** West Oakland Title VI update

Matt and others

# Deliberative Process / Ex. 5

Richard

---

**From:** Grow, Richard  
**Sent:** Thursday, January 04, 2018 7:57 AM  
**To:** Strauss, Alexis <Strauss.Alexis@epa.gov>  
**Cc:** Garnett, Desean <Garnett.Desean@epa.gov>; Israels, Ken <Israels.Ken@epa.gov>; Reyes, Deldi  
<Reyes.Deldi@epa.gov>  
**Subject:** Port of Oakland initiative to update 2009 air plan

Alexis and team

# Deliberative Process / Ex. 5

Richard

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**From:** Grow, Richard

**Sent:** Thursday, January 04, 2018 7:47 AM

**To:** Temple, Kurt <Temple.Kurt@epa.gov>; 'Fitzpatrick, Ryan (OST)' <ryan.fitzpatrick@dot.gov>

**Subject:** FYI: WOEIP position on Port air plan update process

Kurt & Ryan – brief update on Port initiation of update process for it's a.q. plan

# Deliberative Process / Ex. 5

Richard

Message

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**From:** Lakin, Matt [Lakin.Matthew@epa.gov]  
**Sent:** 4/10/2017 4:01:37 PM  
**To:** Mogharabi, Nahal [MOGHARABI.NAHAL@EPA.GOV]  
**CC:** Grow, Richard [Grow.Richard@epa.gov]; BANDROWSKI, MIKE [Bandrowski.Mike@epa.gov]  
**Subject:** FW: Earthjustice clip: Title VI complaint about West Oakland FW: EJ News 04/07/17

Nahal,

Here is the link to the complaint you requested:

[http://earthjustice.org/sites/default/files/files/2017-04-04-TitleVI\\_Complaint.pdf](http://earthjustice.org/sites/default/files/files/2017-04-04-TitleVI_Complaint.pdf)

<http://earthjustice.org/news/press/2017/community-group-alleges-civil-rights-violations-by-the-city-and-port-of-oakland-in-complaint-to-federal>

Richard Grow is our staff lead if you have any questions from EPA's perspective.

Thanks,  
Matt

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Matthew Lakin, Ph.D.  
Acting Deputy Director, Air Division  
US EPA, Region 9 (AIR-1) | 75 Hawthorne St. | San Francisco, CA 94105  
P: 415.972.3851 | E: Lakin.Matthew@epa.gov

**From:** Margaret Gordo **Personal Address / Ex. 6**  
**Sent:** 1/7/2018 7:35:45 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**CC:** brian.woeip@gmail.com  
**Subject:** Re: Ask Port/Sinkoff for 2016 report from Viveka and Anuja ?

Richard,

Good morning, Viveka report, is one the top three agenda for the meeting with Sinkoff tomorrow.

Ms.M

On Sun, Jan 7, 2018 at 9:27 AM, Grow, Richard <Grow.Richard@epa.gov> wrote:  
Ms. Margaret & Brian

I've tried to drill down on the 2016 work, previously unknown to me, by Viveka and Anuja referenced in Scott's note below. Viveka's email says she is out of town until tomorrow, but I have reason to believe there was more in their 2016 report than a recommendation to convene this group. Knowing Viveka there was likely something about accountability and transparency and what that would look like, who knows what else ? Why not get the 2016 report and recommendations on the table now ? If you feel free to raise this in your chat with Sinkoff tomorrow, I'll be interested in what you learn. Where is Laura Arreola's shop on this, Lytle ? Good luck.

(I'll be en route back from New Mexico much of tomorrow/Monday.

Richard

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**From:** Margaret Gordo **Personal Address / Ex. 6**  
**Sent:** Friday, December 22, 2017 3:08 PM  
**To:** Scott McCreary; Meredith Cowart; Brian Beveridge  
**Subject:** Fwd: Port of Oakland reconvening MAQIP Task Force: scheduling a short interview--MG

Thank you Scott,

Appreciate that you reply to my email, with update information regarding the process of the "reconvening of the MAQIP Task Force", to me, this isn't equity, and what I envision my participation. It is more clear there's no collaborative or community engagement to setting the agenda, the Port of Oakland has gone backward in developing meaningful and mindful problem solving with the West Oakland impact community. Please contact me when the Port of Oakland and Concur are open to changing the format that's have equity and are ready to collaborate as partners, going beyond envision soliciting input from the MAQIP Co-Chairs on the agendas for the two to three expected meetings. One more thing, there will be no interview from me until there are the proactive planning.

Happy Holiday,



Ms.Margaret Gordon

From: Scott McCreary <[scott@concurinc.net](mailto:scott@concurinc.net)<mailto:[scott@concurinc.net](mailto:scott@concurinc.net)>>

Date: Fri, Dec 22, 2017 at 1:50 PM

Subject: Re: Port of Oakland reconvening MAQIP Task Force: scheduling a short interview--MG

To: Margaret Gordo [REDACTED] **Personal Address / Ex. 6**

Cc: Meredith Cowart <[meredith@concurinc.net](mailto:meredith@concurinc.net)<mailto:[meredith@concurinc.net](mailto:meredith@concurinc.net)>>

Ms. Margaret,

Thanks very much for your response and your questions. I've reflected your questions to the Port, and have received the following responses, listed below.

(1) Structure and governance, who is chairing, setting agendas etc; for the original MAQIP (WOEIP) were one of 4 co-chairs is my recollection and every agenda needed approval of the co-chairs - agendas.

We envision soliciting input from the MAQIP Co-Chairs on the agendas for the two to three expected meetings. In fact, this is one focus of our interview with you. Given that the focus of the MAQIP Task Force is on meeting the Port 2020 air quality and health goals over the next 2 years, the Port anticipates that the review and setting of the agendas will be very efficient.

(2) What is the Port saying about this?

For the Task Force work in 2018, we envision two or three half-day meetings during the January - April 2018 time-period with the first meeting tentatively scheduled for Friday, January 26, 2018. The draft goals are as follows:

- \* Build shared knowledge of Port Maritime emissions and changes to the regional air quality setting since 2015;
- \* Inform participants on progress, strategies, compliance success and new technologies to support MAQIP Diesel Particulate Matter (DPM) and criteria air pollutants goals;
- \* Identify emissions reduction measures which are commercially available, feasible and cost effective;
- \* Discuss technology options, partnerships and grant funding opportunities and considerations in support of Year 2020 goals and beyond (i.e., to Year 2030);
- \* Provide input to the Port on criteria and elements of the proposed Advanced Technology Program ("ATP") to promote State of California Year 2030 GHG reduction goals; and
- \* Discuss and build support for recommended measures for consideration by the Board of Port Commissioners in early Summer 2018.

(3) How does Viveka's Chen 2009 evaluation is being inserted to the process and agenda.

- In the years immediately following Viveka Chen's 2009 evaluation, due to challenging financial circumstances, the specific recommendation to convene a port maritime stakeholder group was not implemented. Since that time, the Port has undertaken several different efforts and has used a variety of formats to foster community engagement. The Port also entered into a second contract in 2016 with Viveka Chen and Anuja Mendiratta to gain the benefit of their expertise and insight, and has implemented several advisory groups and fora in response to these recommendations. One of those is the newly formed "Port Jobs & Workforce Development Stakeholder Working Group" to support the monitoring of employer performance at the Seaport Logistics Complex. Going forward, the Port stands ready to hear other advice and suggestions

on public involvement.

Next Steps: We still hope to schedule an interview in the next few days, but recognize that this is challenging around the holidays. Please let us know if you might have sometime next week, perhaps on Tuesday Dec 26 or Wednesday 27. If those dates are not workable, perhaps we can look to the days right after the turn of the new year.

Regards,  
Scott and Meredith

--

Scott McCreary, PhD

Principal

CONCUR, Inc.

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On Mon, Dec 18, 2017 at 4:34 PM, Margaret Gordon

**Personal Address / Ex. 6**

> wrote:

Hello Scott,

Thank you for the email and update information regard the MAQIP. To me, I don't see the following things in the attachment:

- (1.) Structure and governance, who is chairing, setting agendas etc; for the original MAQIP ( WOEIP) were one of 4 co-chairs is my recollection and every agenda needed approval of the co-chairs - agendas.
- (2.) What is the Port saying about this?
- (3) .How does Viveka's Chang 2009 evaluation is being inserted to the process and agenda.

Please reply and my interview is base on how these comments and questions are answer, also I out of town on the Dec 20.

Ms.Margaret Gordon

On Fri, Dec 15, 2017 at 4:17 PM, Scott McCreary <[scott@concurinc.net](mailto:scott@concurinc.net)<<mailto:scott@concurinc.net>>>>  
wrote:

Hello Ms. Margaret,

I hope this note finds you well. It's been a few years since we've worked together; our work with the Port brings us back in touch.

As you know, the Port of Oakland plans to reconvene the Maritime Air Quality Task Force (Task Force) for its 2018 Maritime Air Quality Improvement Plan (MAQIP) Update. We are beginning a round of outreach to stakeholders and we are starting with you, as you have served as a Task Force Co-Chair.

For this MAQIP Update, the Task Force will work closely with the Port of Oakland's staff and technical consultants to take the MAQIP planning process beyond 2020, in light of the state's GHG goals for 2020 and 2030.

The reconvened MAQIP Task Force will review the Ports' strategies, compliance success and progress to date, and make recommendations on forward-looking strategies towards fulfillment of the 2020 MAQIP goals. The Task Force will meet in two or three half-day meetings in January - April 2018. A MAQIP project description (Working Draft) is attached to this email.

We at CONCUR are contacting you to schedule an interview about certain aspects of the Port's MAQIP Update goals and strategies. We expect the conversations to last 15 to 30 minutes and cover the following topics: 1) Your background and your view of the MAQIP and your interests as they relate to the MAQIP (2) Other air quality planning efforts you have been involved in (3) Expected outcomes of the MAQIP Update (4) Meeting and process design considerations including stakeholder representation.

We will use the results of our interviews to help plan what we expect will be two to three meetings in the first four months of 2018.

We would like to schedule a confidential interview with you. Please let us know what your availability is like during the following time windows:

- Dec 18th: 9:00a-12:00p or 2:30p-5:00p
- Dec 19th-22nd: 8:30a-3:00p

Our strong intention is to fit this call in before December 23. If that is simply not possible, we can look to schedule a conversation in early January. We look forward to hearing from you.

With best regards,

Scott McCreary and Meredith Cowart

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Scott McCreary, PhD

Principal

CONCUR, Inc.

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Ms. Margaret Gordon/Co-Director

West Oakland Environmental Indicators Project

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**Personal Address / Ex. 6**

Direct line

[www.woeip.org](http://www.woeip.org)<<http://www.woeip.org>>

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Scott McCreary, PhD

Principal

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Ms. Margaret Gordon/Co-Director

West Oakland Environmental Indicators Project

[<https://drive.google.com/uc?id=0B4QICaHS9ywIcXZBNXdRZzF1VTg&export=download>]

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**Personal Address / Ex. 6**

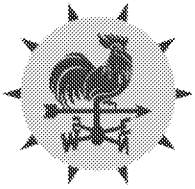
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[www.woeip.org](http://www.woeip.org)<<http://www.woeip.org>>

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Ms. Margaret Gordon/Co-Director

West Oakland Environmental Indicators Project



349 Mandela Parkway

Oakland, CA 94607

**Personal Address / Ex. 6**

Direct line

[www.woeip.org](http://www.woeip.org)

Message

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**From:** Meredith Cowart [meredith@concurinc.net]  
**Sent:** 1/12/2018 12:06:56 AM  
**To:** BANDROWSKI, MIKE [Bandrowski.Mike@epa.gov]  
**CC:** Grow, Richard [Grow.Richard@epa.gov]; Scott McCreary [scott@concurinc.net]  
**Subject:** Re: Maritime Air Quality Management Plan (MAQIP) Update: Invitation

Great, look forward to hearing from you.

On Thu, Jan 11, 2018 at 3:46 PM, BANDROWSKI, MIKE <[Bandrowski.Mike@epa.gov](mailto:Bandrowski.Mike@epa.gov)> wrote:

Meredith- Let me coordinate with people at my end and get back to you.

**Mike Bandrowski** | Manager, Office of Air Toxics, Radiation and Indoor Air

U.S. Environmental Protection Agency | Region 9 | Air Division, Air-6 | **75 Hawthorne St** |

**San Francisco, CA 94105** | Tel **415.947-4194** | [bandrowski.mike@epa.gov](mailto:bandrowski.mike@epa.gov)

**From:** Meredith Cowart [mailto:[meredith@concurinc.net](mailto:meredith@concurinc.net)]  
**Sent:** Thursday, January 11, 2018 3:28 PM  
**To:** BANDROWSKI, MIKE <[Bandrowski.Mike@epa.gov](mailto:Bandrowski.Mike@epa.gov)>  
**Cc:** Valentine, Stephanie <[Valentine.Stephania@epa.gov](mailto:Valentine.Stephania@epa.gov)>; Grow, Richard <[Grow.Richard@epa.gov](mailto:Grow.Richard@epa.gov)>; Scott McCreary <[scott@concurinc.net](mailto:scott@concurinc.net)>  
**Subject:** Fwd: Maritime Air Quality Management Plan (MAQIP) Update: Invitation

Mike,

Per your note above, CONCUR would be happy to schedule a 20-40 minute interview with you and/or Richard and Stephanie as needed in the coming few days. We have the following time slots available:

Friday 1/12

8:30 -10:00

10:45-3:15

Tuesday 1/16

11:30 - 4:30

Wednesday 1/17

8:30 - 4:30

Please identify a half hour window during these times that work for you, and let us know what number we can reach you on (or if you'd like a conference line so that multiple parties can dial in).

Attached please find the "MAQIP Update – Task Force Project Description", with background information and draft goals of the MAQIP Update Task Force. Please keep in mind that we expect that these draft goals may change, depending on what we learn in our interviews with you and other MAQIP Task Force Members.

We look forward to speaking with you.

Regards,

Meredith Cowart, Associate

Scott McCreary, Principal

----- Forwarded message -----

From: **BANDROWSKI, MIKE** <[Bandrowski.Mike@epa.gov](mailto:Bandrowski.Mike@epa.gov)>

Date: Thu, Jan 11, 2018 at 2:29 PM

Subject: RE: Maritime Air Quality Management Plan (MAQIP) Update: Invitation

To: "[rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com)" <[rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com)>, "Zimpfer, Amy" <[Zimpfer.Amy@epa.gov](mailto:Zimpfer.Amy@epa.gov)>

Cc: Scott McCreary <[scott@concurinc.net](mailto:scott@concurinc.net)>, Meredith Cowart <[meredith@concurinc.net](mailto:meredith@concurinc.net)>, Amy Tharpe <[atharpe@portoakland.com](mailto:atharpe@portoakland.com)>, Laura Arreola <[larreola@portoakland.com](mailto:larreola@portoakland.com)>, Catherine Mukai <[cmukai@portoakland.com](mailto:cmukai@portoakland.com)>, "Valentine, Stephanie" <[Valentine.Stephanie@epa.gov](mailto:Valentine.Stephanie@epa.gov)>, "Grow, Richard" <[Grow.Richard@epa.gov](mailto:Grow.Richard@epa.gov)>, "McDaniel, Penelope" <[MCDANIEL.PENELOPE@epa.gov](mailto:MCDANIEL.PENELOPE@epa.gov)>, "Lakin, Matt" <[Lakin.Matthew@epa.gov](mailto:Lakin.Matthew@epa.gov)>

Hi Richard,

Why don't you have CONCUR contact me and I will include Stephanie and Richard, as needed.

We look forward to discussing the topics outlined in your January 5 note to Amy. I'm sure you recall that during the previous MAQIP effort there was an interagency workgroup which included EPA, the Bay Area Air Quality Management Agency, California Air Resources Board and the Alameda County Public Health department. We have been in contact with those agencies and will need time for discussion among the agencies regarding our goals and roles in the upcoming process. While we would hope to not upset your tentative schedule for launching the Task Force, we also feel it is important that the process be carried out in a way that is most likely to be productive and meaningful for the Port, community, relevant agencies and other stakeholders.

If CONCUR would like to contact me and suggest some times for the interview, I can let them know my availability and coordinate with Richard Grow, of my office, whom you may recall from the previous MAQIP work. Please copy him on further emails and materials regarding the MAQIP.

Looking forward to working with you.

Mike

**Mike Bandrowski** | Manager, Office of Air Toxics, Radiation and Indoor Air

**U.S. Environmental Protection Agency | Region 9 | Air Division, Air-6 | 75 Hawthorne St |**

**San Francisco, CA 94105 | Tel 415.947-4194 | [bandrowski.mike@epa.gov](mailto:bandrowski.mike@epa.gov)**

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**From:** Richard Sinkoff [<mailto:rsinkoff@portoakland.com>]

**Sent:** Thursday, January 11, 2018 1:41 PM

**To:** Zimpfer, Amy <[Zimpfer.Amy@epa.gov](mailto:Zimpfer.Amy@epa.gov)>

**Cc:** Scott McCreary <[scott@concurinc.net](mailto:scott@concurinc.net)>; Meredith Cowart <[meredith@concurinc.net](mailto:meredith@concurinc.net)>; Amy Tharpe <[atharpe@portoakland.com](mailto:atharpe@portoakland.com)>; Laura Arreola <[larreola@portoakland.com](mailto:larreola@portoakland.com)>; Catherine Mukai <[cmukai@portoakland.com](mailto:cmukai@portoakland.com)>; Valentine, Stephanie <[Valentine.Stephanie@epa.gov](mailto:Valentine.Stephanie@epa.gov)>; BANDROWSKI, MIKE



<[Bandrowski.Mike@epa.gov](mailto:Bandrowski.Mike@epa.gov)>; Grow, Richard <[Grow.Richard@epa.gov](mailto:Grow.Richard@epa.gov)>; McDaniel, Penelope <[MCDANIEL.PENELOPE@EPA.GOV](mailto:MCDANIEL.PENELOPE@EPA.GOV)>; Lakin, Matt <[Lakin.Matthew@epa.gov](mailto:Lakin.Matthew@epa.gov)>

**Subject:** RE: Maritime Air Quality Management Plan (MAQIP) Update: Invitation

Hi Amy,

Thank you and by extension Stephanie, Mike and Richard for their support and participation on the MAQIP Task Force.

As a next step, CONCUR will contact Stephanie.

We look forward to working with the EPA team.

Best,

Richard

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**From:** Zimpfer, Amy [<mailto:Zimpfer.Amy@epa.gov>]

**Sent:** Thursday, January 11, 2018 11:26 AM

**To:** Richard Sinkoff <[rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com)>

**Cc:** Scott McCreary <[scott@concurinc.net](mailto:scott@concurinc.net)>; Meredith Cowart <[meredith@concurinc.net](mailto:meredith@concurinc.net)>; Amy Tharpe <[atharpe@portoakland.com](mailto:atharpe@portoakland.com)>; Laura Arreola <[larreola@portoakland.com](mailto:larreola@portoakland.com)>; Catherine Mukai <[cmukai@portoakland.com](mailto:cmukai@portoakland.com)>; Valentine, Stephanie <[Valentine.Stephanie@epa.gov](mailto:Valentine.Stephanie@epa.gov)>; BANDROWSKI, MIKE <[Bandrowski.Mike@epa.gov](mailto:Bandrowski.Mike@epa.gov)>; Grow, Richard <[Grow.Richard@epa.gov](mailto:Grow.Richard@epa.gov)>; McDaniel, Penelope <[MCDANIEL.PENELOPE@EPA.GOV](mailto:MCDANIEL.PENELOPE@EPA.GOV)>; Lakin, Matt <[Lakin.Matthew@epa.gov](mailto:Lakin.Matthew@epa.gov)>

**Subject:** RE: Maritime Air Quality Management Plan (MAQIP) Update: Invitation

Hi Richard,

Thank you for the invitation to participate in the updating of the MAQIP. With the MAQIP in its final stage of implementation, it is a good time to work with the community, regulatory agencies and stakeholders to take stock of accomplishments, continuing air pollution issues, and opportunities for additional reductions. We look forward to participating in your effort to update the plan.

To that end, Stephanie Valentine, currently serving as EPA Region 9's Air Division Acting Deputy Director, will represent EPA on the MAQIP Task Force, with Mike Bandrowski as her backup. Stephanie is our lead for air quality issues in the Bay Area, and I believe you know Mike—he is EPA Region 9's Air Toxics, Radiation and Indoor Air Office Chief. Richard Grow will continue to be our staff lead. Stephanie, Mike and Richard can be contacted as follows: [valentine.stephanie@epa.gov](mailto:valentine.stephanie@epa.gov) or 415.972.3014; [bandrowski.mike@epa.gov](mailto:bandrowski.mike@epa.gov) or 415.947.4194; [grow.richard@epa.gov](mailto:grow.richard@epa.gov) or 415.947.4104.

Regards,

Amy

---

**From:** Richard Sinkoff [<mailto:rsinkoff@portoakland.com>]

**Sent:** Thursday, January 04, 2018 5:16 PM

**To:** Zimpfer, Amy <[Zimpfer.Amy@epa.gov](mailto:Zimpfer.Amy@epa.gov)>

**Cc:** Scott McCreary <[scott@concurinc.net](mailto:scott@concurinc.net)>; Meredith Cowart <[meredith@concurinc.net](mailto:meredith@concurinc.net)>; Amy Tharpe <[atharpe@portoakland.com](mailto:atharpe@portoakland.com)>; Laura Arreola <[larreola@portoakland.com](mailto:larreola@portoakland.com)>; Catherine Mukai <[cmukai@portoakland.com](mailto:cmukai@portoakland.com)>

**Subject:** FW: Maritime Air Quality Management Plan (MAQIP) Update: Invitation

Dear Amy,

Happy New Year 2018!

I am writing to invite you to participate in the final updating of the MAQIP. Indeed, we are in the "home stretch" of MAQIP implementation (Years 2018-Year 2020). Based upon the Port's 2015 emissions inventory, MAQIP programs and projects have resulted in a 76% reduction in diesel particulate matter (DPM) over the Year 2005 baseline. This is indeed great progress and we also have more to do. As you recall, the Board committed to an 85% reduction in DPM. The role of the MAQIP Task Force will be primarily to review and discuss emissions reduction measures to achieve the -85% goal.

We are planning three meetings, as follows:

Friday, January 26, 2018: 10:00 a.m.-2:00 p.m.

Friday, February 23, 2018: 10:00 a.m.-2:00 p.m.

Thursday, March 29, 2018: 10:00 a.m.-2:00 p.m.

Scott McCreary, CONCUR, will be following up with you.

We look forward to your anticipated participation.

Sincerely,

Richard

Richard Sinkoff

Director of Environmental Programs and Planning

Port of Oakland

510-627-1182

rsinkoff@portoakland.com

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Meredith Cowart

Associate

CONCUR, Inc

meredith@concurinc.net

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Meredith Cowart  
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(510) 649-8008

Message

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**From:** Lee, Anna, Public Health, OOD [Anna.Lee@acgov.org]  
**Sent:** 5/17/2017 4:25:01 PM  
**To:** 'Yura, Elizabeth@ARB' [eyura@arb.ca.gov]; Grow, Richard [Grow.Richard@epa.gov]; Marvin, Cynthia@ARB [cynthia.marvin@arb.ca.gov]; David Vintze [DVintze@baaqmd.gov]; Alison Kirk [AKirk@baaqmd.gov]  
**Subject:** RE: Please advise: Oakland OAB/Seaport mitigation list - OK to share ?  
**Attachments:** FW: Consensus document; FW: OAB Mitigation

Hi everyone,

Attached are the emails that I forwarded to WOEIP.

Thanks,  
Anna

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**From:** Yura, Elizabeth@ARB [mailto:eyura@arb.ca.gov]  
**Sent:** Tuesday, May 16, 2017 12:06 PM  
**To:** Grow, Richard <Grow.Richard@epa.gov>; Marvin, Cynthia@ARB <cynthia.marvin@arb.ca.gov>; David Vintze <DVintze@baaqmd.gov>; Alison Kirk <AKirk@baaqmd.gov>; Lee, Anna, Public Health, OOD <Anna.Lee@acgov.org>  
**Subject:** RE: Please advise: Oakland OAB/Seaport mitigation list - OK to share ?

Hi all,

In early Feb, Anna noted in an email to Dave and I that Brian and Ms. Margaret weren't on the email discussion chain re: OAB mitigation measures, and asked if we and BA were ok if she sent that info to them. From my email records, Dave and I said ok. Anna, do you recall if the draft docs got sent along to WOEIP? If not, I think we'd still be ok sending along the January draft, as long as it is caveated that it was/is "draft", and it was our initial thoughts on mitigation measures based on previous comments ARB has given on other freight related development projects.

Elizabeth Yura  
Chief, Emissions Assessment Branch  
California Air Resources Board  
Direct: (916) 322-8277  
Branch Line: (916) 323-4327  
[Elizabeth.Yura@arb.ca.gov](mailto:Elizabeth.Yura@arb.ca.gov)

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**From:** Grow, Richard [mailto:Grow.Richard@epa.gov]  
**Sent:** Tuesday, May 16, 2017 11:37 AM  
**To:** Marvin, Cynthia@ARB; Yura, Elizabeth@ARB; David Vintze; Alison Kirk; 'Lee, Anna, Public Health, CAPE'  
**Subject:** Please advise: Oakland OAB/Seaport mitigation list - OK to share ?

Cynthia, Elizabeth, Alison, Dave, Anna –

Yesterday I became aware that (1) WOEIP was unaware whether the agencies had ever put forward what we had been referring to as a "list" of mitigation measures for the Port/OAB and (2) the list circulated among the agencies last January (attached) is still, in some form, in play among the agencies and in discussions with the City. That list went to the City at almost the same time the City issued their January 23 letter basically avoiding responding to the plain request put to them by EPA at the December 13 meeting, which probably contributed to my viewing most of what transpired during that week as having been wiped off the slate. Obviously incorrect.

I would like to let WOEIP know that not only such a list exists, but also share that list with them, acknowledging that it was "draft" and that the agency thinking has undoubtedly evolved some since then. If you prefer, I can see holding off

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on that for a couple days, or perhaps providing a later version if one becomes available, soon. The only course I see as untenable is one in which the community is allowed to continue to believe no such lists exist.

This isn't our (EPA's) document, so I don't feel free to do this without your OK. Your thoughts, advice, would be much appreciated.

Thanks

Richard

Message

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**From:** Lee, Anna, Public Health, OOD [Anna.Lee@acgov.org]  
**Sent:** 2/1/2017 5:25:49 PM  
**To:** Margaret Gordon [margaret.woeip@gmail.com]; Brian Beveridge [brian.woeip@gmail.com]  
**Subject:** FW: Consensus document  
**Attachments:** Follow-up to December 12th Port Working Group Finalization Mtg and Next Steps...

FYI -- just making sure you two have this document.

---

**From:** Lee, Anna, Public Health, OOD  
**Sent:** Wednesday, February 1, 2017 9:06 AM  
**To:** 'Adenike Adeyeye' <aadeyeye@earthjustice.org>  
**Subject:** FW: Consensus document

Nike,

I wasn't part of this 6-month process so I don't have much info, but this was another document that was shared with the Agencies. Can you also share the 2 documents with Ms. Margaret and Brian? I'm not sure they were copied or forwarded these documents from CARB and BAAQMD.

Anna

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**From:** Yura, Elizabeth@ARB [<mailto:eyura@arb.ca.gov>]  
**Sent:** Monday, January 23, 2017 9:38 AM  
**To:** Grow, Richard <[Grow.Richard@epa.gov](mailto:Grow.Richard@epa.gov)>  
**Cc:** Marvin, Cynthia@ARB <[cynthia.marvin@arb.ca.gov](mailto:cynthia.marvin@arb.ca.gov)>; David Vintze <[DVintze@baaqmd.gov](mailto:DVintze@baaqmd.gov)>; Lee, Anna, Public Health, OOD <[Anna.Lee@acgov.org](mailto:Anna.Lee@acgov.org)>  
**Subject:** RE: Consensus document

Hi Richard, latest email and doc are attached.

Elizabeth Yura  
Chief, Emissions Assessment Branch  
California Air Resources Board  
Direct: (916) 322-8277  
Branch Line: (916) 323-4327  
[Elizabeth.Yura@arb.ca.gov](mailto:Elizabeth.Yura@arb.ca.gov)

---

**From:** Grow, Richard [<mailto:Grow.Richard@epa.gov>]  
**Sent:** Monday, January 23, 2017 8:07 AM  
**To:** Yura, Elizabeth@ARB  
**Cc:** Marvin, Cynthia@ARB; David Vintze; 'Lee, Anna, Public Health, CAPE'  
**Subject:** Consensus document

Elizabeth

On our call last week I think you mentioned that you (and perhaps Dave ?) would check on the status of the workgroup around the BAAQMD incentives initiative, and that some sort of document, although no longer described as "consensus," was still being considered. Could you provide whatever the latest version is? I think going into the next round of discussions with the City and Port it could be valuable to have all the latest thinking on the table. Thanks

Richard



Message

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**From:** Karen Schkolnick [kschkolnick@baaqmd.gov]  
**Sent:** 1/10/2017 10:13:43 PM  
**To:** dbreen@baaqmd.gov; afournier@baaqmd.gov; Marvin, Cynthia@ARB [cynthia.marvin@arb.ca.gov]; Yura, Elizabeth@ARB [eyura@arb.ca.gov]; Ito, Doug@ARB [Doug.Ito@arb.ca.gov]; tleong@portoakland.com; rsinkoff@portoakland.com; awhittington@portofoakland.com; MDNichols@oaklandnet.com; DCole@oaklandnet.com; CCappio@oaklandnet.com; cclevenger@alamedactc.org; tlengyel@alamedactc.org; adao@alamedactc.org; mmaloney@mtc.ca.gov; kkao@mtc.ca.gov; abockelman@mtc.ca.gov  
**Subject:** Follow-up to December 12th Port Working Group Finalization Mtg and Next Steps...  
**Attachments:** final report - Predraft Version.docx

Dear Port Working Group members,

Happy New Year! I'm writing to follow up on our conference call from December 12<sup>th</sup>. Based on the feedback received on that call, we'll be proceeding with the group's recommendation that the Air District take direct ownership of the report and the associated recommendations. *As such, we will be making the necessary edits to clarify that the report is the result of an Air District sponsored inquiry and that any recommendations are from the Air District staff's perspective.*

That said, we very much appreciate the input and feedback that we have received from our partners (you!) on this project to date and invite you to continue to provide input as we work to complete this report. If you haven't yet provided input, or if you'd like to provide additional comments, please send those over by the end of this month (January) so that we can include your input in the final draft version. In case its needed, I am reattaching the report ("Final Report pre-draft" version dated November) for your reference. *Note that this version doesn't include any of the aforementioned updates.*

Also, as a next step, **I want to let you know that we will be bringing an information item to the next Mobile Source Committee on January 26<sup>th</sup> to inform the committee members about the effort that has been underway for the past six plus months to:**

- recognize the emissions reductions achieved between 2005 - present,
- update the District's modeling related to emissions and health impacts in the West Oakland community,
- evaluate opportunities for further reductions, and
- develop a comprehensive report that compiles the results of this inquiry.

Given that we still have many of the deliverables in process, we do NOT plan to share any draft recommendations at the January 26<sup>th</sup> meeting, rather those would be presented at a later meeting once the report and associated deliverables have been completed. If you are unable to make the meeting on the 26<sup>th</sup>, you can still see the meeting by live-webcast and as a video after the meeting here: <http://www.baaqmd.gov/about-the-air-district/board-of-directors/resolutionsagendasminutes>.

Please let know if you have any questions or if you would like more information about the upcoming MSC meeting. We hope you can join us!

Regards,

Karen

-----Original Appointment-----

**From:** Damian Breen

**Sent:** Tuesday, December 6, 2016 10:58 AM

**To:** Damian Breen; Karen Schkolnick; Anthony Fournier; [cynthia.marvin@arb.ca.gov](mailto:cynthia.marvin@arb.ca.gov); [eyura@arb.ca.gov](mailto:eyura@arb.ca.gov); [Doug.Ito@arb.ca.gov](mailto:Doug.Ito@arb.ca.gov); [tleong@portoakland.com](mailto:tleong@portoakland.com); [rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com); [awhittington@portofoakland.com](mailto:awhittington@portofoakland.com); [MDNichols@oaklandnet.com](mailto:MDNichols@oaklandnet.com); [DCole@oaklandnet.com](mailto:DCole@oaklandnet.com); [CCappio@oaklandnet.com](mailto:CCappio@oaklandnet.com); [cclevenger@alamedactc.org](mailto:cclevenger@alamedactc.org);

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[tlengyel@alamedactc.org](mailto:tlengyel@alamedactc.org); [adao@alamedactc.org](mailto:adao@alamedactc.org); [mmaloney@mtc.ca.gov](mailto:mmaloney@mtc.ca.gov); [kkao@mtc.ca.gov](mailto:kkao@mtc.ca.gov); [abockelman@mtc.ca.gov](mailto:abockelman@mtc.ca.gov)

**Subject:** Port Working Group Finalization

**When:** Monday, December 12, 2016 4:00 PM-5:00 PM (UTC-08:00) Pacific Time (US & Canada).

**Where:** Phone Conference: 866-528-2256 Access Code: 152889#

This phone conference meeting is to discuss the pre-draft report and finalize the consensus recommendation for the Port Working Group.

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Please dial in Personal Address / Ex. 6  
Access Code

If you have any questions or concerns, please feel free to reach out to me directly.

Thank you,

Aloha for Mr. Breen

*Aloha Reigh Galimba*  
Executive Secretary

Bay Area Air Quality Management District  
Executive and Administrative Resources Division  
375 Beale Street, Suite 600 | San Francisco, CA 94105  
Office: 415.749.4782 | Cell: Personal Address / Ex. 6  
[agalimba@baaqmd.gov](mailto:agalimba@baaqmd.gov) | [www.baaqmd.gov](http://www.baaqmd.gov)

## EXECUTIVE SUMMARY

### Consensus Recommendations

As a result of the Port of Oakland (Port)/Oakland Army Base (OAB) emissions reductions working group its members, the Bay Area Air Quality Management District (Air District), the Metropolitan Transportation Commission (MTC), Port of Oakland (Port), City of Oakland (City), the Alameda County Transportation Commission (ACTC), the California Air Resources Board (ARB) and has the following consensus recommendations relative to further reducing emissions in the West Oakland community:

- Utilize available grant funding (see table 1 - funding matrix) to seek further diesel particulate matter (DPM) reductions via the deployment of zero and near zero On-road and Drayage trucks operating in and around the Port and OAB.
- Perform outreach with the Port and OAB developers to seek the deployment of zero and near zero cargo handling equipment (yard hostlers, forklifts, container movement equipment) via the Air District's grant programs (see table 1- funding matrix).
- Perform outreach to the rail operators (local and interstate) at the Port and OAB with a goal of reducing emissions via the additional deployment of tier 4 or zero and near zero emissions locomotives utilizing support from Air District grant programs (see table 1- funding matrix).
- Perform outreach to tug boats companies assisting oceangoing vessel maneuver and berthing at the Port with a goal of reducing emissions via the additional deployment of tier 3 or zero and near zero emissions tug boats utilizing support from Air District grant programs (see table 1- funding matrix).
- Support the Metropolitan Transportation Commission in their efforts to deploy Class 5 and 6 or near zero emissions vehicles in the West Oakland community (see table 1- funding matrix).
- Support the efforts of the Alameda County Transportation Commission (ACTC), the Port and MTC in the deployment of intelligent transportation system technologies at the Port and OAB (see table 1- funding matrix).
- Continue to monitor progress towards reducing health risk and West Oakland via the Air District's regional health risk projections.
- Seek additional Cap and Trade and federal funding for zero and near zero emissions equipment and infrastructure deployment at the Port and OAB.

**Table 1 - Funding Matrix**

<b>Project</b>	<b>Funding Source/Agency</b>	<b>Funds Available</b>
On-road/Drayage Trucks (Class 7/8)	Air District - Goods Movement Bond (GMB)/Transportation Fund for Clean Air (TFCA)/Carl Moyer program (CMP)	\$15 million*
Cargo Handling Equipment	Air District - GMB/CMP	\$10 million
Locomotives	Air District - GMB/CMP	\$10 million
Harbor Craft - Tugs	Air District - GMB/CMP	\$5 million
On-road trucks (Class 5/6)	MTC Air District – TFCA - zero emissions only	\$2 million*
Intelligent Transportation Systems	MTC ACTC Port	

*\*Additional funds may be available through the state of California's HVIP program*

## Background

The Port of Oakland (Port) is the fifth largest container port in the United States and the second largest in the State of California behind the combined ports of Los Angeles and Long Beach. Established in 1927, the Port is home to 18 ship berth, 36 container cranes, two rail yards, approximately 500 pieces of cargo handling equipment and approximately 2,500 trucks which operated in 2015 to move the 2.27 million 20-foot equivalent units (TEU) in to and out of the Bay Area. This flow of containers is associated with over \$600 billion in goods that are linked to approximately 32% of the jobs in the Bay Area. However, this goods movement is also linked with 20% of the emissions of toxic diesel particulate matter pollution in the State of California.

The Port borders the West Oakland and in 2008, the ARB in partnership with the Air District conducted a health risk assessment (HRA) to determine what emission sources were contributing to poor air quality in that community. That HRA indicated that the health risk from toxic air pollution (primarily DPM) in West Oakland was three times higher than any other community in the Bay Area. Based on the results of the HRA, the Air District Board of Director's instructed staff to utilize all available options at its disposal to reduce this health risk.

The Air District in partnership with the ARB, United States Environmental Protection Agency, the Port, the industry and local community instituted policies and actions which:

- Devised the Marine Air Quality Improvement Plan which targets an 85% reduction in emissions by 2020
- Instituted and enforced regulations on drayage trucks, harbor craft, off-road equipment, oceangoing vessels and cargo handling equipment;

- Instituted and enforced a noncompliant truck ban under the Port's authority;
- Performed real-time monitoring of emissions in the West Oakland community;
- Provided \$33 million in grant funding to initially retrofit 1,319 trucks and to subsequently replace an additional 627 trucks;
- Provided \$24.5 million to install shore side power at 15 Berth at the Port

While this program has significantly reduced emissions of diesel particulate matter (up to 76% according to latest inventory produced by the Port) from Marine operations and the highways surrounding West Oakland, the science around health risk has changed since the program's inception.

Recent changes to the guidelines governing the assessment of health risk, developed by the California Office of Environmental Health Hazard Assessment (OEHHA), have increased the health risk from diesel particulate matter by approximately a factor of 3 to 4 times those originally used in the 2008 HRA. This means that while DPM emissions have been reduced significantly, those remaining have a higher impact on the community. Additionally, the Air District is significantly concerned that planned operations at the former Oakland Army Base Redevelopment Project (OAB) and increased cargo volumes through the Port may reverse the emissions decreases made to date and increase health risk in the West Oakland community.

Therefore, the Air District formed the Port /OAB emissions reductions working group to investigate how additional DPM reductions could be achieved. The consensus recommendations presented above are the results of this group's deliberations. Additionally, the Air District may choose to pursue regulatory and other measures outside of the consensus recommendations to further drive health risk down in West Oakland.

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DRAFT

## Introduction

Recognizing the fact that: 1) recent changes to the guidelines governing the assessment of health risk, developed by the California Office of Environmental Health Hazard Assessment (OEHHA), have increased the health risk from diesel particulate matter, and 2) the Bay Area Air Quality Management District (Air District) Community Air Risk Evaluation (CARE) programs projections show that West Oakland remains the most highly impacted community in the Bay Area relative to toxic air contaminants; the Bay Area Air Quality Management District (Air District) met with the City of Oakland (City), Port of Oakland (Port) and California Air Resources Board (ARB) on August 2, 2016, to give an overview of an Air District initiative to further reduce diesel particulate matter emissions from Port and former Oakland Army Base redevelopment project (OAB) operations.

As part of this meeting, the Air District presented a “strawman” equipment replacement proposal targeting a further 20% reduction of diesel particulate matter emissions from Port and OAB operations via the deployment of zero and near zero technologies. Based on that initial proposal, the Air District, City, Port and ARB formed the Port/OAB emissions reductions working group (working group) to determine the feasibility of the “strawman” proposal and to evaluate what other actions could be taken to further reduce health risk in the West Oakland community.

## Workgroup Processing & Meetings

In order to evaluate the “strawman” proposal, the working group met on the following dates:

**Table 2 - Working Group Meeting Dates and Discussion Topics**

Date	Topics Discussed
August 11, 2016	<ul style="list-style-type: none"> <li>• Workgroup kickoff and goals</li> <li>• Air District grant program requirements and timelines</li> </ul>
August 25, 2016	<ul style="list-style-type: none"> <li>• Equipment inventories</li> <li>• Working group member authorities</li> <li>• OAB infrastructure</li> </ul>
September 7, 2016	<ul style="list-style-type: none"> <li>• Plan framework analysis</li> <li>• Economics case for zero emissions On-road and Yard trucks</li> <li>• Outstanding action items</li> </ul>
October 11, 2016	<ul style="list-style-type: none"> <li>• Introduction of ACTC and MTC to the working group</li> <li>• Update on outstanding action items</li> <li>• Discussion on ITS systems</li> </ul>
November 10, 2016	<ul style="list-style-type: none"> <li>• Pre-draft report</li> <li>• Continued discussion on ITS systems</li> </ul>

As part of these meetings, the working group explored:

- What authorities did each of the partners have to impose regulations or mandates that reduced emissions at the Port/OAB;
- What available sources of funding may be available for reducing emissions from the Port/OAB and what the limitations and conditions were on such funding;
- How an equipment replacement project fits in the overall planning matrix of the local, regional and State agencies;
- Equipment inventories at the Port;
- Prospective equipment inventories at the OAB;
- Infrastructure being installed by the Port and the developer as part of the OAB project;
- The economics and value proposition around the deployment of zero and near zero equipment;
- How ITS might reduce emissions from goods movement at the Port/OAB and regionally;
- Zero and near zero emissions technologies, their reliability and development stage



## Authorities Analysis

### Bay Area Air Quality Management District Authorities

#### Regulatory Authority

##### *Non-Motor Vehicle Sources of Air Pollution*

The Bay Area Air Quality Management District's regulatory authorities are generally described in California Health and Safety Code (HSC) Sections 40000 through 40900.

Specifically, HSC 40000 ...*"finds and declares that local and regional authorities have the primary responsibility for control of air pollution from all sources, other than emissions from motor vehicles"*...

Additionally, HSC 40001 states that local Air District have the power to adopt rules and regulations as follows:

(a) Subject to the powers and duties of the state board, the districts shall adopt and enforce rules and regulations to achieve and maintain the state and federal ambient air quality standards in all areas affected by emission sources under their jurisdiction, and shall enforce all applicable provisions of state and federal law.

(b) The district rules and regulations may, and at the request of the state board shall, provide for the prevention and abatement of air pollution episodes which, at intervals, cause discomfort or health risks to, or damage to the property of, a significant number of persons or class of persons.

(c) Prior to adopting any rule or regulation to reduce criteria pollutants, a district shall determine that there is a problem that the proposed rule or regulation will alleviate and that the rule or regulation will promote the attainment or maintenance of state or federal ambient air quality standards.

(d) (1) The district rules and regulations shall include a process to approve alternative methods of complying with emission control requirements that provide equivalent emission reductions, emissions monitoring, or recordkeeping.

(2) A district shall allow the implementation of alternative methods of emission reduction, emissions monitoring, or recordkeeping if a facility demonstrates to the satisfaction of the district that those alternative methods will provide equivalent performance. Any alternative method of emission reduction, emissions monitoring, or recordkeeping proposed by the facility shall not violate other provisions of law.

(3) If a district rule specifies an emission limit for a facility or system, the district shall not set operational or effectiveness requirements for any specific emission control equipment operating on a facility or system under that limit. Any alternative method of emission reduction, emissions monitoring, or recordkeeping proposed by the facility shall include the necessary operational and effectiveness measurement elements that can be included as permit conditions by the district to ensure compliance with, and enforcement of, the equivalent performance requirements of paragraphs (1) and

*(2). Nothing in this subdivision limits the district's authority to inspect a facility's equipment or records to ensure operational compliance. This paragraph shall apply to existing rules and facilities operating under those rules.*

#### *Indirect Sources of Air Pollution*

The Air District also has the authority to regulate indirect sources of air pollution as defined under the Federal Clean Air Act. 42 U.S.C 7410 (a)(5)(C); CAA 110 (a)(5)(C) as:

*For purposes of this paragraph, the term "indirect source" means a facility, building, structure, installation, real property, road, or highway which attracts, or may attract, mobile sources of pollution.*

California HSC section 40716(a)(1) also states that:

*In carrying out its responsibilities pursuant to this division with respect to the attainment of state ambient air quality standards, a district may adopt and implement regulations to accomplish both of the following:*

*(1) Reduce or mitigate emissions from indirect and area wide sources of air pollution.*

#### *Enforcement Authority*

#### *Non-Motor Vehicle Sources of Air Pollution*

HSC 40001 states that local Air District have the power to adopt and enforce rules and regulations as follows:

*(a) Subject to the powers and duties of the state board, the districts shall adopt and enforce rules and regulations to achieve and maintain the state and federal ambient air quality standards in all areas affected by emission sources under their jurisdiction, and shall enforce all applicable provisions of state and federal law.*

#### *Motor Vehicle Sources of Air Pollution*

Based on an enforcement agreement between the California Air Resources Board and the Air District in 2009, the agency can enforce the requirements of the following Mobile Source Regulations and Air Toxic Control Measures for the following sources:

- Drayage/On road trucks
- Transport Refrigeration Units (TRUs)
- Limits on sulfur content of fuels for oceangoing vessels
- Oceangoing vessel onboard incineration
- Commercial harbor craft
- Cargo handling equipment

- Off-road equipment
- Port truck idling

## California Air Resources Board (ARB) Authorities

ARB is responsible for conducting rulemakings to adopt and amend regulations covering a variety of areas, these include the following:

- Drayage truck regulation: [ HYPERLINK "<https://www.arb.ca.gov/msprog/onroad/porttruck/porttruck.htm>" ]
- Cargo handling equipment regulation: [ HYPERLINK "<https://www.arb.ca.gov/ports/cargo/cargo.htm>" ]
- Commercial harbor craft regulation: [ HYPERLINK "<https://www.arb.ca.gov/ports/marinevess/harborcraft.htm>" ]
- At-Berth regulation: [ HYPERLINK "<https://www.arb.ca.gov/ports/shorepower/shorepower.htm>" ]
- Ocean going vessels fuel regulation: [ HYPERLINK "<https://www.arb.ca.gov/ports/marinevess/ogv.htm>" ]

## Funding Analysis

The following funding analysis is taken in large part from the freight emissions reduction action plan prepared by the MTC with additions by the Air District based on its knowledge and in consultation with the working group:

### Federal Funding

- The US Environmental Protection Agency (EPA) administers grant funding to reduce emissions through its Diesel Emission Reduction Act (DERA) program. Recent funding cycles have prioritized projects that reduce emissions from equipment involved in freight movement. The intent of the DERA programs is to fund retrofit, repowering, or replacement of older diesel engines with lower emission engines. There are various eligibility criteria for different types of diesel applications but replacement of diesel trucks with electric trucks meets eligibility criteria. The National Grants program will award \$26 million in 2016. Eligible applicants include regional, state, local or tribal agencies/consortia or port authorities with jurisdiction over transportation or air quality. This includes, air districts, MPOs, and municipalities. States also receive an allocation of grants to provide loans, grants, or rebates. In 2015, California received \$418,650. Recently, as part of the 2016 EPA solicitation, the Bay Area Air Quality Management District was tentatively awarded \$1,420,263 for the replacement of three switcher locomotives with Tier 4 engines.
- The US Department of Energy (DOE) administers funding solicitations to support the development of advanced equipment technologies. These projects can help move technologies through the research & development phase and into commercialization and deployment.
- The FAST Act provides new funding for ITS projects such as vehicle-to-vehicle and vehicle-to-infrastructure technology as well as infrastructure maintenance systems, alternative charging systems, and information sharing systems that could involve a freight component. The bill also explicitly makes ITS related projects eligible for funding under several formula programs including the NHFP and FASTLANE Program. These new programs are included in Section VI of the bill called the "Transportation for Tomorrow Act of 2015." One new funding program in this Section is the Advanced Transportation and Congestion Management Technologies Deployment Program. This competitive grant program will focus on the development of pilot projects and model deployment sites for the installation and operation of advanced transportation technology.
- United States Department of Transportation (DOT) - The Transportation Investment Generating Economic Recovery, or TIGER Discretionary Grant program, provides a unique opportunity for the DOT to invest in road, rail, transit and port projects that promise to achieve national objectives. Since 2009, Congress has dedicated nearly \$4.6 billion for seven rounds of TIGER to fund projects.

Applicants must detail the benefits their project would deliver for five long term outcomes: safety, economic competitiveness, state of good repair, quality of life and environmental sustainability. DOT also evaluates projects on innovation, partnerships, project readiness, benefit cost analysis, and cost share.

The eligibility requirements of TIGER allow project sponsors at the State and local levels to obtain funding for multi-modal, multi-jurisdictional projects that are more difficult to support through traditional DOT programs. TIGER can fund port and freight rail projects, for example, which play a critical role in our ability to move freight, but have limited sources of Federal funds. TIGER can provide capital funding directly to any public entity, including municipalities, counties, port authorities, tribal governments, MPOs, or others in contrast to traditional Federal programs which provide funding to very specific groups of applicants (mostly State DOTs and transit agencies). Examples of previous grant awards:

#### **2010 - Ports of Oakland, Sacramento and Stockton - \$30 million**

Collaborative effort of three regional ports in California to develop and use a marine highway system as an alternative to existing truck and rail infrastructure. The Port of Oakland along with the inland Ports of Stockton and West Sacramento have formed a partnership to provide freight service via barge, primarily for consumer goods moving by ocean vessel and agricultural products grown in Central California. Funds provided upgraded electrical substation that allowed for Shore power at Port of Oakland terminals.

#### **2012 – Port of Oakland - \$15,000,000**

**Project Description:** Boost rail access and capacity at the port by building a new arrival track and high-speed turnout from Union Pacific's mainline, two track leads into the port's new Joint Intermodal Terminal, and a new manifest yard (Knight Yard) to replace the former Oakland Army Base Yard. Knight Yard will be able to handle 100-150 rail cars per day.

#### California State Funding

- \* Proposition 1B – \$1 billion bond program to California Air Resources Board (ARB) to reduce freight air pollution, and the associated health effects, on impacted communities along California's trade corridors. The program is locally administered by the Bay Area Air Quality Management District (Air District or BAAQMD), has funded shore power and truck upgrades (retrofits and replacements) in the Bay Area, and is currently in the final cycle of funding. In addition to trucks and shore-power, project opportunities also exist for cargo-handling equipment, transportation refrigeration units, and locomotives. Zero-emission and near-zero emission trucks that are market ready have been eligible for grants under this program as long as they are certified by ARB and meet other eligibility

criteria. Grants are available for eligible Class 6-8 trucks. The Air District anticipates a final solicitation late in 2016. After the final funding cycle, the program will be discontinued unless a new source of funding is made available at the state level.

- The Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program) provides grant funding for cleaner-than-required engines and equipment. The program is authorized at \$69 million per year statewide and is funded by Department of Motor Vehicles smog abatement and tire fees. These funds are allocated annually to local air districts to award to projects in their regions. Historically, this has provided \$7-\$10 million per year to the BAAQMD to distribute to eligible projects in the Bay Area. The Carl Moyer Program provides grants to upgrade or replace heavy-duty vehicles and equipment, school buses, agricultural equipment, marine vessels, and locomotives. This program cannot be used to demonstrate new technologies.
- ARB's Low Carbon Transportation Investments and Air Quality Improvement Program projects provide incentives to reduce greenhouse gas emissions, criteria pollutants, and toxic air contaminants through the development and deployment of advanced technology and clean transportation. California Cap-and-Trade auction proceeds support Low Carbon Transportation investments. Per statute, these funds must further the purposes of Assembly Bill 32 (AB 32; Núñez, Chapter 488, Statutes of 2006) with a priority for benefitting disadvantaged communities. The current freight-related Low Carbon Transportation and Air Quality Improvement Program Projects include Advanced Technology Demonstration Projects, Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project, Zero-Emission Truck and Bus Pilot Projects, and Truck Loan Assistance Program.
  - During 2015 and 2016, ARB conducted two solicitations under the Advanced Technology Demonstration Projects program. These focused on demonstration of full zero-emission drayage trucks and demonstration of a multi-source facility program that could significantly reduce emissions from multiple sources located at the same facility. A total of \$25 million each was allocated to these programs. Future solicitations will continue this approach to technology demonstration but will likely focus on other applications. The Zero-Emission Truck and Bus Pilot Projects program was also a demonstration solicitation with a focus on projects that will benefit disadvantaged communities. It is expected that a similar program will continue in the future.
  - The Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project provides purchase incentives at the point of sale to simplify and speed the process of providing incentives to purchasers of eligible equipment. Manufacturers must submit applications to the program to be included in the list of eligible equipment. Vouchers range between \$20,000 and \$110,000 per truck depending on the size of truck, the equipment, and whether the truck is garaged in a disadvantaged community.

- The Low Carbon Transportation Investments and Air Quality Improvement Program is funded out of the 60% of Cap and Trade auction proceeds that are permanently designated for specific programs by the legislature. The remaining 40% of auction proceeds are allocated by the legislature based on annual priorities. There has been some discussion in the legislature about the possibility of creating a targeted goods movement program that we funded on an ongoing basis out of a portion of the 40% unallocated Cap and Trade funds. The specific uses of these funds have not been determined and no legislation to create this set-aside has been approved at this time.
- The Alternative and Renewable Fuel and Vehicle Technology Program authorizes the Energy Commission to develop and deploy alternative and renewable fuels and advanced transportation technologies to help implement the State's climate change policies. The Energy Commission has an annual program budget of approximately \$100 million to support projects around the State.
- CEC funding for Freight Transportation Projects at Seaports. Eligible projects have included those that 1) demonstrate freight transportation projects (FTP) for medium- and heavy-duty (MHD) vehicle technologies; 2) demonstrate intelligent transportation systems and technologies (ITS); and 3) deployment of natural gas vehicles (NGV). [ HYPERLINK "<http://www.energy.ca.gov/contracts/GFO-15-604/>" ]
- The California Alternative Energy and Advanced Transportation Financing Authority, in the State Treasurer's Office, works collaboratively with public and private partners to provide innovative and effective financing solutions for California's industries. It assists in increasing the development and deployment of renewable energy sources, energy efficiency, and advanced transportation and manufacturing technologies to reduce air pollution, conserve energy, and promote economic development and jobs.
- The California Pollution Control Financing Authority, in the State Treasurer's Office, provides low-cost innovative financing to California businesses (including freight sector businesses) for qualifying projects that control pollution and improve water supply. The California Pollution Control Financing Authority also partners with State agencies to achieve the State's environmental policy objectives by administering high-impact financing programs designed to assist regulated entities and other stakeholders with accessing private capital.
- The California Infrastructure and Economic Development Bank uses its Infrastructure State Revolving Fund program to provide financial assistance to public agencies and non-profit corporations for a wide variety of infrastructure and economic development projects. Recently, Assembly Bill 1533 (Chapter 383, Statutes of 2015) amended the Infrastructure State Revolving Fund program by expanding project criteria to include goods movement-related projects.

## Bay Area Regional Funding

- The Bay Area Air Quality Management District collects a \$6 per vehicle registration fee that it administers through its Transportation Fund for Clean Air (TFCA) and Mobile Source Incentive Fund (MSIF) programs for projects that reduce emissions from primarily mobile sources. Through the MSIF program, the Air District provides grants to public and private sector entities for projects that are eligible for the Carl Moyer Program, vehicle scrappage and agricultural assistance programs, and for projects to reduce pollution from school busses. The TFCA program funds cost-effective projects that reduce on-road motor vehicle emissions within the BAAQMD's jurisdiction. Sixty percent of TFCA funds are awarded through the Air District's TFCA Regional Fund program. The remaining forty percent of these revenues are distributed to the designated County Program Manager in each of the nine Bay Area counties for emission reduction projects. TFCA funding has been used for vehicle-based projects, and trip reduction projects and must be related to on-road sources. These funds could be used for electric vehicle charging infrastructure.
- Regional Climate Initiatives Program – As part of MTC's commitment to reduce greenhouse gas (GHG) emissions, the region has adopted a regional Climate Initiatives Program as part of Plan Bay Area. Using regional discretionary Federal Congestion Mitigation and Air Quality Funds (CMAQ), the program aims to assist MTC in meeting the region's GHG emission reduction goals enacted per Senate Bill 375. The program was inaugurated in 2009 with \$80 million to begin to develop strategies for reducing GHG's and has continued with the programming of additional CMAQ funds since that time. Since SB 375 mandates focus on passenger vehicles and light trucks, this program may not be suitable for the funding of freight projects. However, it may be able to be expanded in the future to include a new Climate Initiatives Grant program with more of a focus on the zero- and near-zero emission technologies that have been identified in this study as having high potential.
- Alameda CTC Measure BB Transportation Expenditure Plan – A number of Bay Area counties have passed sales tax measures to fund a variety of transportation improvements. Alameda CTC developed a Transportation Expenditure Plan to guide investments supported by the County's Measure BB Sales Tax. Included with the TEP are \$77.4 million (over the life of the measure) to fund Technology Development and Innovation projects. While these are primarily intended to support advanced technology applications such as new ITS programs (some of which could include the ITS technologies described in this study). It is also possible that some of this funding might be available for zero- and near-zero goods movement projects but given the amount of funding available, it might be difficult to come up with projects that would have a significant impact.



## Other Funding Sources

- **Air Quality Settlement Funds** - periodically both the Air District and ARB receive funding from civil and criminal enforcement actions which can be applied to emissions reductions projects. For example, under a recent settlement with Volkswagen ARB will receive \$380 million over a three-year period into a trust for projects to replace older and dirtier heavy duty diesel vehicles and equipment with advanced zero- or near-zero technologies.
- **Supplemental Environmental Projects** - When ARB resolves an air quality enforcement case, it's primary goal is to ensure that the violator achieves and maintains compliance with air quality laws and regulations. In addition, the violator typically pays a monetary penalty to deter future violations and disgorge any economic benefit realized by the violator. These actions ensure that the violator does not benefit by his actions. In certain instances, supplemental environmental projects – SEPs – that mitigate the effects of the particular violation may be undertaken directly or funded to offset a portion of the civil penalties (or monetary settlements in lieu of civil penalties). SEPs are those projects used to offset traditional penalty amounts that are funded by the defendant and exceed regulatory requirements – i.e., they “supplement” the State’s current air quality efforts.
- **CEQA Mitigation Funding** – From the 2012 OARB PROJECT – (Final and Corrected) Standard Conditions of Approval and Mitigation Monitoring and Reporting Program document:

*“The City and the Port shall jointly create, maintain and fund on a fair share basis, a truck diesel emission reduction program. The program shall be sufficiently funded to strive to reduce redevelopment related contributions to local West Oakland diesel emissions to less than significant levels, consistent with applicable federal, state and local air quality standards, and shall continually reexamine potential reductions toward achieving less than significant impacts as new technologies emerge. The adopted program shall define measurable reduction within specific time periods.”*
- **Container Fees** – the Port of Oakland has the ability to levy fees on containers moving through its terminals in order to pay to offset the impacts from goods movement and its facilities. This strategy has been successfully used by Southern California ports to create a pool of funding that is used for emissions reductions projects.

## Planning Analysis

When considering emissions reductions in the West Oakland community is important for the working group to understand how an effort to deploy zero and near-zero emission's technology supports the existing framework of local, regional and State plans for freight and air quality. This analysis describes at a high level the existing plans, their mechanisms for reducing emissions and how the proposed effort intersects with them.

### Local Plans

#### *Port of Oakland (Port) - Marine Air Quality Improvement Plan (2009)*

The Port of Oakland's Maritime Air Quality Improvement Plan (MAQIP) is its plan to meet the long-term commitment to reducing the air quality and health risk impacts of maritime operations. The MAQIP builds upon the Port Maritime Air Quality Policy Statement (Port Air Quality Statement), adopted by the Board of Port Commissioners in March 2008. The Port Air Quality Statement sets a goal of reducing the excess community cancer health risk related to exposure to diesel particulate matter (DPM) emissions associated with the Port's maritime operations by 85% from 2005 to 2020, through all practicable and feasible means. It also commits the Port to implement early action emissions reduction measures to reduce the duration of the public's exposure to emissions that may cause health risks, through all practicable and feasible means. To achieve its air quality improvement goals, the MAQIP commits the Port to implement a three-pronged emissions reduction strategy to:

1. Target emissions reductions earlier than required by regulations;
2. Support enforcement of regulations; and
3. Target emissions reductions above and beyond those required by regulations.

Recognizing that compliance with emissions reduction regulations is critical to achieving air quality improvement goals, the MAQIP identifies seven primary emissions control measures:

1. Early action retrofit and/or replacement of port drayage trucks
2. Compliance with CARB's shore power regulation
3. Design and operational efficiencies
4. Participation in pilot and verification projects for NOx and DPM reduction strategies
5. Early action construction emissions reductions
6. Support of enforcement of regulations by CARB and BAAQMD through coordination with Port tenants
7. Accountability, monitoring and reporting

The MAQIP also commits the Port and its maritime stakeholders to:

- Continue to consider a variety of emissions reductions initiatives and programs.
- Recommended individual emissions reductions initiatives and programs identified in the MAQIP and developed through the MAQIP process to the Board of Port Commissioners as required for consideration and approval.
- Consider supplemental funding sources for emissions reductions projects.

The Plan can be found at the following web location:

[ HYPERLINK "<http://www.portofoakland.com/files/PDF/environment/maqip090515.pdf>" ]

## Analysis

The Bay Area Air Quality Management District's (Air District) proposal to seek additional emissions reductions at the Port of Oakland and Oakland Army Base (OAB) via the deployment of zero or near-zero emissions equipment fits under the MAQIP strategy prong: ...*"Target emissions reductions above and beyond those required by regulations"*...

### *City of Oakland (City) – West Oakland Specific Plan (2014)*

The City of Oakland's West Oakland Specific Plan (Specific Plan) contains a vision of the West Oakland where ...*"Environmental quality and community health have been improved"*... The plan itself contains an extensive section on community health explaining the issues in the West Oakland community regarding exposure to toxic diesel particulate matter. This plan appendix includes the following section related to truck traffic:

#### ***Specific Plan Policies and Strategies***

##### ***Truck Traffic***

One of the Specific Plan's most direct objectives for addressing air quality concerns throughout West Oakland is found in the Transportation and Complete Streets Strategies (found in Chapter 8: Supporting the Plan). This objective is specifically intended to reduce the adverse effects of freight-related truck traffic (including the emission of DPM) impacting West Oakland's residential neighborhoods. Plan policies (in parenthesis) pursuant to this objective include:

- *Maintaining those truck routes necessary to serve Port of Oakland activities, but prohibiting additional encroachment of truck routes into West Oakland neighborhoods (Truck Traffic-1);*
- *Relocating truck parking and services from West Oakland neighborhoods to a consolidated site or sites in the Port/Oakland Army Base area (Truck Traffic-2);*
- *Implementing a traffic calming program in residential neighborhoods that could include vehicle lane reductions, speed humps, neighborhood traffic circles, pedestrian crossing improvements, etc., to discourage truck traffic from entering the neighborhoods (Truck Traffic-3);*

- *Enhancing truck route enforcement and education to keep trucks off of neighborhood streets (Truck Traffic-4); and*
- *Continuing, expanding and improving the Port's Diesel Truck Replacement Program (Truck Traffic-5), including:*
  - *Encouraging Port operations to provide sufficient staff and funding to enable more replacement and retrofit of diesel trucks,*
  - *Including community and industry input on the program design and ongoing implementation, and*
  - *Collaborating with the Port of Oakland's research efforts on the independent trucker market to more effectively target and attract drivers/owners that operate cleaner burning rigs.*

The Plan can be found at the following web location:

[ HYPERLINK

"<http://www2.oaklandnet.com/government/o/PBN/OurOrganization/PlanningZoning/OAK028334>" ]

## Analysis

The Air District's proposal to seek additional emissions reductions at the Port of Oakland and Oakland Army Base (OAB) via the deployment of zero or near-zero emissions equipment fits under this plan's specific vision for improving environmental quality and public health. Specifically, this project would support the Port's diesel truck replacement project and encourage the replacement of diesel trucks with zero or near-zero emissions equipment.

### *Alameda County Transportation Commission - Alameda County Goods Movement Plan (2014)*

The Alameda County Goods Movement Plan outlines a long-range strategy for how to move goods effectively within, to, from and through Alameda County by roads, rail, air and water. The plan is a component of the Alameda Countywide Transportation Plan and:

- Establishes a vision for the sustainable movement of freight and other goods to ensure Alameda County continues to play a vital role in the San Francisco Bay Area economy.
- Identifies strategies including infrastructure investments, policy changes and programs to address goods movement issues and realize goods movement system opportunities.
- Uses a series of performance measures consistent with the vision and goals to evaluate and prioritize these strategies.
- Develops short- and long-term strategies and project lists to support goods movement in Alameda County.
- Develops educational and advocacy strategies for the Bay Area.

The plan lays out the following goals and objectives for improving air quality and public health in Alameda County:

*Safe, secure, and community-supportive goods movement projects and programs are essential to the well-being of our local communities. Emissions from goods movement can create significant health risks, and exposure to noise and light also can adversely affect the health and well-being of residents. Particulate matter and nitrogen oxides are the two pollutants most associated with truck, rail, and ship pollution. Fortunately, in recent years, the risks attributable to these two pollutants have dropped significantly in the Bay Area, in large part due to emission regulations, focused efforts to control emissions by the Port of Oakland, and technological advancements.*

*Due to current regulations, fine particulate matter emissions from on- and off-road motor vehicles are expected to decline significantly until 2020. However, despite tremendous strides in pollution reduction, the West Oakland community, along with several others along the industrial corridors of Alameda County, suffer from health impacts due to port operations and proximity to other goods movement activities and non-goods movement activities (e.g., auto traffic on freeways next to these communities that are not goods movement related). Improving conditions for these most affected communities is a core focal point of this plan.*

The plan outlines a range of strategies to achieve the latter objective including:

**Near-Zero and Zero Emission Goods Movement Technology Advancement Program** - New program to fund and demonstrate Near-Zero and Zero Emission goods movement technologies. Program could include incentives for engine retrofits to low-emission and ZEV technology. Program could potentially include funding to compensate smaller independent drayage truckers for whom it is not economical to upgrade trucks. Program also could include ZEV technology demonstrations for trucks and alternative fueling infrastructure.

**Targeted Programs to Encourage Use of Zero Emission Trucks and Cargo Handling Equipment** - Particularly in the I-80, I-880, and I-580 Corridors This program extends from the Technology Advancement program and targets freight corridors and facilities in communities with greatest adverse impacts from freight emissions. It will provide incentives to encourage the use of zero-emission trucks in those places.

The Plan can be found at the following web location:

[ HYPERLINK

"[http://www.alamedactc.org/files/managed/Document/18249/AlamedaCTC\\_GoodsMovementPlan\\_FIN\\_AL.pdf](http://www.alamedactc.org/files/managed/Document/18249/AlamedaCTC_GoodsMovementPlan_FIN_AL.pdf)" ]

## Analysis

The Air District's proposal to seek additional emissions reductions at the Port of Oakland and Oakland Army Base via the deployment of zero or near-zero emissions equipment specifically meets the plan objectives to fund and demonstrate zero or near-zero emissions goods movement technologies, trucks and cargo handling equipment as identified in the plan projects above.

## Regional Plans

### *Bay Area Air Quality Management District - Clean Air Plan (2010)*

The Bay Area 2010 Clean Air Plan (CAP) provides a comprehensive plan to improve Bay Area air quality and protect public health. The CAP defines the control strategy that the Air District and its partners will implement to: (1) reduce emissions and decrease ambient concentrations of harmful pollutants; (2) safeguard public health by reducing exposure to air pollutants that pose the greatest health risk, with an emphasis on protecting the communities most heavily impacted by air pollution; and (3) reduce greenhouse gas (GHG) emissions to protect the climate.

The legal impetus for the CAP is to update the most recent ozone plan, the Bay Area 2005 Ozone Strategy, to comply with State air quality planning requirements as codified in the California Health & Safety Code. Although steady progress has been made in reducing ozone levels in the Bay Area, the region is designated as non-attainment for both the one-hour and eight-hour State ozone standards. In addition, emissions of ozone precursors in the Bay Area contributes to air quality problems in neighboring air basins. Under these circumstances, State law requires the CAP to include all feasible measures to reduce emissions of ozone precursors and to reduce transport of ozone precursors to neighboring air basins.

In addition to updating the Bay Area 2005 Ozone Strategy, the 2010 CAP serves as a multi-pollutant plan to protect public health and the climate. This effort to develop its first-ever multi-pollutant air quality plan is a voluntary initiative by the Air District. The Air District believes that an integrated and comprehensive approach to planning is critical to respond to air quality and climate protection challenges in the years ahead. In its dual roles as an update to our Ozone Strategy and a multi-pollutant plan, the 2010 CAP addresses four categories of pollutants:

- Ground-level ozone and its key precursors, ROG and NO<sub>x</sub>;
- Particulate matter: primary PM<sub>2.5</sub>, as well as precursors to secondary PM<sub>2.5</sub>;
- Air toxics; and
- Greenhouse gases.

The major purpose for developing a multi-pollutant plan is to achieve the greatest possible public health benefit by reducing emissions, ambient concentrations, and public exposure across the four categories of air pollutants addressed in the 2010 CAP. In developing the CAP control strategy, the Air District attempted to maximize co-benefits, while at the same time minimizing any potential trade-offs among pollutants.

The CAP contains the following control measures that have implications for emissions reduction at the Port - each measure listed contains a brief description of its purpose with the full text available from the Air District website:

**MSM A-1 - Promote Clean, Fuel-Efficient Light and Medium-Duty Vehicles**

The Air District, in cooperation with local businesses, city and county governments, and state and federal agencies, will expand the use of Super Ultra-low Emission (SULEV) and Partial-Zero (ZEV) emission light-duty passenger vehicles and trucks within the Bay Area. Emphasis will be placed on vehicles capable of using renewable, low-carbon fuels.

**MSM A-2 - Zero Emission Vehicles (ZEV) and Plug-in Hybrids**

The Air District, in cooperation with local businesses, city and county governments, and state and federal agencies, will expand the use of Zero Emission (ZEV) and Plug-in Hybrid (PHEV) passenger vehicles and light-duty trucks within the Bay Area.

**MSM B-1 - Fleet Modernization for Medium- and Heavy-Duty On-Road Vehicles**

Between 2010 and 2015, the Air District will directly provide, and encourage other organizations to provide, incentives for the purchase of new trucks that meet the California Air Resources Board's 2010 emission standards for heavy-duty engines. This program is designed to assist truck owners/operators to replace pre-2003 heavy-duty diesel trucks (Class 7 and 8) with new diesel-fueled or natural gas-fueled trucks in advance of requirements of CARB's in-use truck regulation.

**MSM B-3 - Efficient Drive Trains**

The Air District will either directly commit and/or work with partner agencies and companies to provide funding to underwrite development and demonstration of hybrid drive trains for medium- and heavy-duty vehicles. As technologies become commercially available, the Air District will offer cash incentives to accelerate deployment of more efficient vehicles. The Air District will coordinate this effort with the CalStart Hybrid Truck User Group, the California Air Resources Board, the California Energy Commission and other air districts.

**TCM B-4 - Goods Movement Improvements and Emission Reduction Strategies**

Goods movement is a critical component of the Bay Area's economic and transportation system, and a significant contributor to air quality issues. Exposure to diesel pollution from goods movement greatly impacts the health of residents near ports, rail yards, distribution centers, and roads with high truck volumes. Investing in the Bay Area's trade corridors and continuing to offer incentives for diesel engine owners to reduce emissions will address existing air quality issues as well as help the region to prepare for continued growth in this important sector of our economy.

**LUM 1 - Goods Movement**

This control measure aims to reduce emissions and population exposure related to movement of freight in the Bay Area by means of incentives, enforcement, research, strategic partnerships, and outreach. Regional components of this measure will focus on reducing truck use by encouraging a shift to other modes of freight transport by supporting pilot projects and research, as well as working with partner agencies to promote land uses patterns and distribution systems (roadways, logistic systems) that result in less vehicle miles traveled. At the local level, this measure includes targeted enforcement of ARB diesel regulations, outreach to businesses and fleets operating in goods movement corridors to encourage turnover to cleaner engines, and installation of signage to indicate trucks routes and anti-idling regulations. This measure also calls for advocating for container fees to be imposed on goods transported through Bay Area ports to fund strategies to offset goods movement emissions.

The full text of the plan can be viewed here:

[ HYPERLINK "<http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans>" ]

## Analysis

The Air District's proposal to seek additional emissions reductions at the Port of Oakland via the deployment of zero or near-zero emissions equipment would fit under CAP measures MSM A-2, MSM B-1, MSM B-3 and TCM B-4. The proposal would deploy additional medium- and heavy- duty zero or near-zero emissions vehicles and will continue to fund diesel emissions reductions past the time horizon of the plan (2015). Additionally, it should be noted that the Air District is currently drafting a new CAP revision will contain measures seeking further toxics, criteria and greenhouse gas emissions reductions by the deployment of zero and near-zero emissions on-road and off-road equipment.

### *Metropolitan Transportation Commission – Plan Bay Area (2013)*

Plan Bay Area is a long-range integrated transportation and land use/housing strategy through 2040 for the San Francisco Bay Area. On July 18, 2013, Plan Bay Area was jointly approved by the Association of Bay Area Governments (ABAG) Executive Board and by the Metropolitan Transportation Commission (MTC). Plan Bay Area includes the region's Sustainable Communities Strategy and the 2040 Regional Transportation Plan. Plan Bay Area provides a strategy for meeting 80% of the region's future housing needs in Priority Development Areas (PDAs). These are neighborhoods within walking distance of frequent transit service, offering a wide variety of housing options, and featuring amenities such as grocery stores, community centers, and restaurants. Identified by cities and towns across the region, the PDAs range from regional centers like downtown San Jose to suburban centers like Walnut Creek's West Downtown area, and smaller town centers such as the Suisun City Waterfront. Plan Bay Area funds mixed-income housing production and locally-led planning in PDAs.

Plan Bay Area's transportation element specifies how some \$292 billion in anticipated federal, state and local funds will be spent through 2040. Nearly 87% (or \$253 billion) will be used to maintain and operate the transportation network we already have. Another way of looking at the distribution of the revenues — which include fuel taxes, public transit fares, bridge tolls, property taxes and dedicated sales taxes — is by mode of transportation. Maintenance and operation of the Bay Area's existing public transit services will receive about 54% (\$159 billion) of the revenues. The remainder includes 32% for street, road, highway and bridge maintenance; 7% for transit expansion; and 5% for roadway and bridge expansion. A \$3.1 billion reserve comprised of anticipated future funding through the California Air Resources Board's Cap-and-Trade program for greenhouse gas emissions accounts for another 1% of expected revenues.

In addition to a mandatory target to:

- Reduce per-capita CO<sub>2</sub> emissions from cars and light-duty trucks by 15%

Plan Bay Area also sets a voluntary target of:

- Reducing premature deaths from exposure to fine particulates (PM<sub>2.5</sub>) by 10%;



- Reducing coarse particulate emissions (PM<sub>10</sub>) by 30%; and
- Achieving greater reductions in highly impacted areas.

Additionally, Plan Bay Area contains the following section on Goods Movement and Industrial Land, and Inter-Regional Coordination:

*The movement of freight, and the protection of production and distribution businesses, have important environmental, economic and equity implications for the region. The region is home to the fifth-busiest maritime port in the nation, the Port of Oakland, which serves not only Bay Area residents and industries but also provides a critical link to national and international markets for North Bay and Central Valley agriculture.*

*MTC's Regional Goods Movement Study, last updated in 2009, found that manufacturing, freight transportation and wholesale trade account for nearly 40 percent of regional output, and that Bay Area businesses spend over \$6.6 billion on transportation services. Goods movement businesses also create over 10 percent of regional employment, including many high-paying blue-and green-collar jobs accessible to those without higher levels of education. However, continued land development pressure is placing many industrial and manufacturing land uses at risk, and the activities at these places could shift to other locations, as documented in MTC's 2008 Goods Movement/ Land Use Study. MTC and ABAG will work with the business community and local jurisdictions and stakeholders to explore economic development best practices for goods movement and industrial businesses, and to identify funding to assess the role of goods movement businesses and industrial land in the regional economy.*

*Air quality considerations related to goods movement activities are an important part of the larger goods movement and industrial lands discussions. The Bay Area Air Quality Management District manages a number of programs related to goods movement, including initiatives to support cleaner trucks within the region, and specifically at the Port of Oakland. MTC is currently working with Caltrans District 4 and county congestion management agencies to update the information from the 2004 and 2009 studies and to identify key goods movement issues for the region to address in the coming years. This work will help inform the region's input to the California Freight Mobility Plan and implementation of the newest federal transportation bill, MAP-21, which addresses the performance of the national freight network and supports investment in freight-related surface transportation projects.*

*In addition to the regional analysis conducted for Plan Bay Area, MTC and ABAG will undertake sub-regional studies (e.g. Solano County, Tri-Valley) to analyze goods movement at a more local level, including truck flows on I-80, I-580 and I-880 corridors, and passenger (Capitol Corridor, ACE) and freight rail. These studies will be conducted in coordination with local jurisdictions, CMAs and the Bay Area Air Quality Management District, as appropriate.*

Plan Bay Area's main emissions reduction strategy centers around a \$630 million investment in eight programs which target a 7% per capita greenhouse gas (GHG) emissions reduction by 2020 and 15% reduction by 2035. The eight programs are as follows:

#### ***Commuter Benefit Ordinance***

*Senate Bill 1339 authorizes the Bay Area Air Quality Management District (BAAQMD) and MTC to jointly adopt a regional commuter benefit ordinance as a means to reduce GHG emissions and to improve air quality. Commuter benefits would include pre-tax benefit programs, employer-provided subsidies, free shuttles or vanpools, or an employer-chosen alternative that would provide an equal or greater benefit in terms of reducing GHG emissions. The agencies are required to report to the Legislature in 2016 on the results of the program, including vehicle miles reduced and greenhouse gases reduced.*

**Car-Sharing**

Car-sharing services have been available in the Bay Area since 2001, and in that time the number of vehicles available and the number of subscribers has grown. Bay Area wide, there were an estimated 60,500 members in 2012 and fleets with hundreds of cars to serve those customers. Car-sharing allows people to rent cars by the hour, for as short a time as 30 minutes up to a full weekend. Car-sharing saves families and individuals hundreds of dollars every month in car payments, insurance, gas, registration and repairs. This investment strategy proposes to invest \$13 million to expand car-sharing services to ensure vehicles are available at high-demand locations, and to expand services in suburban communities.

**Vanpool Incentives**

The Bay Area has had an organized vanpool program since 1981. Currently managed by local, county and regional partners including MTC's 511 program, the region's vanpool service helps people with long commutes that are not well-served by transit. This strategy will enhance the appeal of vanpooling by dedicating \$6 million to reduce the cost of van rentals. Encouraging more people to participate in the vanpool program can help to remove personal cars from crowded freeways and reduce overall emissions.

**Clean Vehicles Feebate Program**

A "feebate" charges a fee to one user, and that fee is used to provide a discount to another user. The feebate program in Plan Bay Area would charge a one-time, point-of-purchase fee on new vehicles with low miles-per-gallon ratings to help purchase fuel-efficient vehicles that emit much less pollution. Although the fees and subsidies from the program are revenue-neutral, this strategy still includes \$25 million to pay for the administrative costs of the program over the period of the plan.

**Smart Driving Strategy**

Despite Plan Bay Area's targeted efforts to incentivize the purchase of fuel-efficient vehicles, many of the cars currently on the road fall short of current and future emission or fuel-efficiency standards, yet they work well and are not ready to be retired. Smart driving tactics are easy-to-implement actions (e.g., change in driving style, more-frequent vehicle maintenance, etc.) that any driver can do to save gas and reduce emissions. Plan Bay Area provides a total of \$160 million to develop a public education campaign for the region's drivers and to provide rebates for in-vehicle, real-time fuel efficiency gauges.

**Vehicle Buy-Back/Purchase Incentive Program for Plug-ins or Electric Vehicles**

While the federal government and the state are offering incentives for the purchase of electric vehicles, most EVs still cost more than many gas vehicles at the time of purchase. Typically, when consumers buy new cars, their older, less-efficient vehicles are re-sold rather than being removed from the fleet. As long as older vehicles are still on the road polluting, it is hard to significantly reduce emissions. Plan Bay Area sets aside a total of \$120 million for a voluntary incentive program to accelerate the removal of low-mpg vehicles from the region's roads. In return for trading in their car, which is retired from service, people can receive a cash incentive towards the purchase of a new plug-in hybrid or electric vehicle.

**Regional Electric Vehicle Charger Network**

BAAQMD, in partnership with regional and local partners, and auto manufacturers and service providers, is charting the Bay Area path for electric vehicle use in the Bay Area. The Electric Vehicle (EV) Readiness Plan, completed in late 2012, sets forth short-term strategies to increase EV usage. A long-term strategy is currently under development. Plan Bay Area supports this initiative with supportive strategies to help clean our air and cut the region's GHGs. The Bay Area is expected to be a successful clean-vehicle market, but due to the limited range of

today's all-electric vehicles (EVs) it is projected that many EV purchases will be plug-in hybrid electric vehicles (PHEVs) that can switch over to a gasoline engine once they have used up the energy in their batteries. Plan Bay Area allocates \$80 million to install more EV chargers at Bay Area workplaces. The proposed investment will allow vehicles to be charged during the day, ready to make the drive back home without using the gasoline engine.

### **Climate Initiatives Innovative Grants**

With the adoption of the Transportation 2035 Plan, MTC created a new Climate Initiatives Innovative Grant program and invested \$33 million in innovative and creative pilot grants to reduce greenhouse gas (GHG) emissions from the transportation sector. The grant categories included: Safe Routes to Schools, which encourages children to bike and walk to school; Parking Pricing; Transportation Demand Management, which includes strategies to reduce travel demand or shift demand in order to relieve congestion; and Showcase Projects, for creative ideas that did not fit neatly into the other categories. These grants are still being implemented and evaluated, but many of the pilot projects show promise in their potential to reduce GHG emissions. Plan Bay Area sets aside \$226 million to invest in the expansion of the most successful strategies identified in the innovative grants program.

### **Freight Emissions Reduction Action Plan**

While Plan Bay Area itself had little emphasis on freight movement emissions reduction strategies to achieve its greenhouse gas reduction targets, a subsequent lawsuit required MTC to create a Regional Freight New Technologies Task Force to study and recommend freight strategies that advance zero emissions and near-zero emissions freight technologies. It also required MTC to produce a freight emissions reduction plan including the following elements:

- Encouraging zero emissions truck technologies, including conducting demonstration projects
- Encouraging zero emissions rail technologies, including conducting demonstration projects
- An evaluation the electrification of railyards and the use of 0/near-zero equipment
- An evaluation of zero missions truck only lanes on Highway 880 by 2025
- Developing projects and programs to incentivize the retrofit and replacement of trucks with zero emissions and near-zero emissions technologies.

The final plan includes a number of freight emissions reduction strategies identified as having potential for regional government involvement or leadership. These strategies include:

- **Conduct Technology Demonstration Programs.** As new truck and locomotive technologies enter pre-commercial or early-stage commercial deployment, MTC and its partners can fund or administer demonstration programs that give users an early opportunity to test the technologies in real-world applications. This also benefits technology manufacturers as they fine tune their products for introduction into commercial markets. Two specific demonstration recommendations are included in this Action Plan (one for near-zero emission trucks and one for zero-emission locomotives), but additional demonstrations in different truck and locomotive applications should be pursued.
- **Develop a Sustainable Freight Advisory Committee.** A potential continuation of the task force that supported development of this plan, the proposed committee would work to implement and align plan recommendations with the ARB Sustainable Freight Action Plan and the Regional Goods Movement Plan and review implementation actions and progress.
- **Define Clear Requirements for Zero Emissions Operation.** Vehicles that can operate in either zero-emission mode or near-zero emission mode, such as in the delivery truck demonstration project

*recommended as part of this plan, can use GPS to target zero emission activities to areas with the highest level of health impact disparities. Zero emissions zones, operating capability, and compliance requirements need to be clearly defined so manufacturers can successfully develop and commercialize a product.*

- **Implement Purchase or Incentive Programs.** *These programs incentivize users to adopt cleaner technologies. These early adopters influence the growth of the market for new technologies by making it visible to other users that commercial products are entering the marketplace. Purchase incentives reduce or eliminate the incremental cost of new technologies as compared to established technologies during early-stage commercialization before the cost-reduction benefits of mass production are available.*
- **Support on-going or proposed regulatory action programs from ARB.** *A combination of regulation and incentive programs is seen as the best method to advance the development, deployment, and adoption of cleaner technology. In addition to ongoing programs, ARB has proposed to consider a measure to require certain last mile delivery fleets to operate zero-emission trucks starting in 2020.*
- **Support development and deployment of electric vehicle charging infrastructure.** *Significant and immediate work is needed to evaluate and plan infrastructure requirements for zero-emission heavy duty vehicles. Regional partners can play a key role in bringing together all the fuel suppliers (utilities, private companies) and infrastructure owners (utilities, governments, private companies) to best coordinate this complex area of development.*
- **Creating a “Center of Excellence” for Ongoing Efforts.** *A Center of Excellence with a visible lead agency or point of contact can illustrate technology, operations, applications, and benefits for reduced emission trucks. Creating a Center of Excellence in the Bay Area provides an opportunity for technology developers, OEMs, truck owners and operators, and government agencies to interact on a regular basis and to gain first-hand experience with the new technologies.*

The full text of the Plan Bay Area can be viewed here:

[ HYPERLINK "<http://planbayarea.org/regional-initiatives/plan-bay-area.html>" ]

## Analysis

The Air District’s proposal to seek additional emissions reductions at the Port of Oakland and Oakland Army base via the deployment of zero or near-zero emissions trucks and efforts to introduce zero and near-zero emissions locomotives fits very well with the goals outlined in the settlement that followed litigation on this plan. While not expressly called out in the original plan, the subsequent legal action committed MTC to examining freight movement issues and to pursuing these strategies for zero emissions equipment. The Air District’s proposal provides funding in partnership to pursue the zero emission strategies as required in the lawsuit settlement.

*Metropolitan Transportation Commission – San Francisco Bay Area Goods Movement Plan (2013)*

As part of the development of Plan Bay Area 2040, MTC produced a new San Francisco Bay Area Goods Movement Plan in early 2016. The San Francisco Bay Area Goods Movement Plan:

- Evaluates existing conditions and key trends, issues and opportunities
- Recommends projects, programs and policies to improve the efficiency of goods movement while reducing impacts on communities
- Includes both detailed descriptions of the Bay Area's main freight corridors and discussion of local goods movement needs
- Assesses the importance of goods movement to Bay Area employment and the regional economy

The plan recognizes that Alameda County — and the Port of Oakland especially — is the heart of the Bay Area's freight activity. As such, MTC's goods movement research is closely integrated with the Alameda County Transportation Commission's countywide planning effort. As part of the plan, MTC is also attempting to coordinate with state and federal freight planning and policy initiatives to ensure consistency across these efforts. As part of the plan, MTC identified five key goals for the San Francisco Bay Area Goods Movement:

1. Increase economic growth and prosperity
2. Reduce environmental and community impacts and improve the quality of life in communities most affected by goods movement
3. Provide safe, reliable, efficient and well-maintained freight movement facilities
4. Promote innovative technology strategies to improve efficiency
5. Preserve and strengthen a multi-modal system that supports freight movement and is coordinated with passenger transportation systems and local land-use decisions

The plan also identifies the urgency to address environmental justice issues while reducing greenhouse gases as follows:

*Along with the region's concern over housing affordability comes an overarching concern about equity in land use and transportation decisions. The region's major goods movement corridors and facilities tend to be concentrated in close proximity to communities where environmental justice concerns are significant, and continued investment in goods movement in these corridors must minimize impacts on these communities. At a broader level, the region continues to pursue strategies to address climate change and environmental sustainability goals as a core component of its transportation plans. This will require new approaches and new technologies for goods movement.*

The plan contains the following section on West Oakland and the Port of Oakland specifically:

*The proximity of the West Oakland neighborhood to the Port of Oakland and the former Oakland Army Base has created challenges for the neighborhood. Because the port is such an important goods movement facility for the region, a case study was conducted to identify more clearly the major issues related to port operations that impact West Oakland. The specific challenges and how we are addressing them in the plan are discussed below.*

- **Air pollution** — Diesel particulate matter (DPM) levels in West Oakland were three times higher than the average for the Bay Area in 2005, contributing to high cancer risk. Fortunately, air quality has been

significantly improved with 70 percent reductions in diesel particulate matter between 2005 and 2012 through shore power infrastructure, “no idling” policies on port roadways, cleaner truck and locomotive technology, and cleaner fuels. Improving the locomotive fleet is key to continuing improvements as rail is expected to account for the largest growth in future freight volumes. The San Francisco Bay Area Goods Movement Plan contains strategies that will continue to address this issue by introducing zero and near-zero truck technology, and providing for a rail and terminal emission reduction program.

- **Roadway surface degradation** — Pavement condition is critical to quality truck access, but many of the access roads are in poor condition, including Maritime Street north of 7th Street, West Grand Avenue east of Mandela Parkway, and many of the streets around the Grand/Mandela intersection where the highest concentration of truck-intensive businesses exist. A program of local street projects to improve truck route access is recommended as part of this plan to address issues on local roads.
- **Truck-related traffic accidents due to modal conflicts** — Hot spots of crashes include the I-880 interchange with I-980, I-80 on approach to the Bay Bridge, the 7th Street/Maritime Street intersection, the West Grand Avenue/Maritime Street intersection, and ramps to I-880. Limited sight lines, blocked lanes, and signal timing cause potential conflicts between trucks/autos and trains at the rail crossing near 7th Street/Maritime Street. Projects included in the plan, such as the 7th Street grade separation, the Adeline bridge improvements, and various interchange improvements on I-880 are all designed to address these issues and improve traffic operations on the approach to marine terminals.
- **Traffic violation and enforcement issues** — Local signage is often faded and unreadable, contributing to trucks violating local traffic rules regarding turning, stopping and parking. The plan includes a program to improve freight signage on key truck routes.

Other key issues to be addressed at the port are:

- **Operational inefficiencies** — Turn-about times of trucks entering the port average between one to two hours and can range up to six hours. Trucks can expect only two turns through each day, as opposed to three turns a decade ago. Strategies such as extended gate hours at the port and the Freight ITS (Freight Advanced Traveler Information Systems (FRATIS) project will all contribute to improved terminal efficiency.
- **Lack of overnight truck parking facilities** — Trucks arriving after the 4:30 p.m. cutoff park in the median of roadways outside the port overnight, adding risk and liability to truckers and cargo owners. The port is working to provide more overnight parking and the rail strategy included in the plan could help reduce the number of truck drivers looking for overnight parking.

The plan specifically identifies projects to:

- Fund and demonstrate Near-Zero and Zero-Emission goods movement technologies. Program could include incentives for engine retrofits to low emission and ZEV technology.
- Encourage Use of Zero-Emission Trucks and Cargo Handling Equipment Particularly in the I-80, I-880, I-580 and SR-4 Corridors and in communities with greatest adverse impacts from freight emissions.

The full text of the plan can be found here:

[ [HYPERLINK "http://mtc.ca.gov/our-work/plans-projects/economic-vitality/san-francisco-bay-area-goods-movement-plan"](http://mtc.ca.gov/our-work/plans-projects/economic-vitality/san-francisco-bay-area-goods-movement-plan) ]

## Analysis

The Air District's proposal to seek additional emissions reductions at the Port of Oakland and Oakland Army Base via the deployment of zero or near-zero emissions equipment specifically meets the plan objectives to fund and demonstrate zero or near-zero emissions goods movement technologies, trucks and cargo handling equipment as identified in the plan projects above.

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## State Plans

### *California Air Resources Board - Emissions Reductions Plan from Port and Goods Movement in California (2006)*

On April 20, 2006, the California Air Resources Board (ARB) adopted Resolution 06-14 approving the Emission Reduction Plan for Ports and Goods Movement in California, with the following list of goals:

#### Plan Goals:

1. Reduce total statewide international and domestic goods movement emissions to the greatest extent possible and at least back to 2001 levels by year 2010.
2. Reduce the statewide diesel PM health risk from international and domestic goods movement 85 percent by year 2020.
3. Reduce NOx emissions from international goods movement in the South Coast 30 percent from projected year 2015 levels, and 50 percent from projected year 2020 levels based on preliminary targets for attaining federal air quality standards.
4. Apply the emission reduction strategies for ports and goods movement statewide to aid all regions in attaining air quality standards.
5. Make every feasible effort to reduce localized risk in communities adjacent to goods movement facilities as expeditiously as possible.

The plan contains the following Risk Reduction Target:

*85% Diesel PM Risk Reduction Target. Driven by the dramatic decline in truck emissions with existing programs and new strategies, this plan shows an 86% reduction in the statewide health risk from exposure to diesel PM from port and all goods movement activities between 2001 and 2020. This plan continues to reduce statewide emissions 20-40% below the 2010 targets for all pollutants, and to reduce South Coast NOx emissions below the preliminary 2015 and 2020 targets for that region.*

The plan contains the following emissions reduction strategies by source category:

***Ships*** are the most challenging emission sources in the goods movement system. The vessels that transport goods in and out of California harbors have little or no emissions control and run on high emitting bunker fuel. Unless that changes, ship emissions will continue to increase as trade expands. Ocean going ships are the only sector that does not meet the 2010 goal for reducing diesel PM, NOx, and ROG emissions back to 2001 levels. Instead, this plan would achieve that goal by 2015. Ships are projected to lower SOx emissions to 2001 levels by 2010 with implementation of a new ARB regulation requiring lower sulfur fuels for auxiliary engines. The plan proposes a mix of strategies for ocean going ships that would reduce projected emissions from this category 50% or more in 2015 and 70% or more in 2020.

***Commercial harbor craft*** were an early focus for ARB and air districts given proximity to coastal communities. More than \$17 million in Carl Moyer Program funds have been used to clean up



commercial harbor craft to date. In 2004, ARB adopted a regulation requiring harbor craft to use cleaner diesel fuel statewide starting in 2007. Later this year, ARB will consider a regulation to clean up existing harbor craft propulsion and auxiliary engines via replacement, rebuild, add-on controls, and/or alternative fuels. Shore power for harbor craft is also under consideration. The plan targets a 70% plus reduction in this category by 2020.

**Cargo handling equipment** poses a major health risk to near-port communities due to the location of the emissions. On December 8, 2005, the Board approved a new regulation to reduce these emissions. The regulation will accelerate the introduction of cleaner technologies beginning in 2007 with increasing benefits in 2010 through 2015. The overall strategy relies on implementation of new engine standards that phase in from 2007-2015. Overall, emissions from cargo handling will continue to decline through 2020 and beyond. The last element of the strategy would be to step up diesel PM control to the 85% level in the future as additional verified retrofit technologies become available. By 2020, emissions from this sector will be reduced by over 80% for the key pollutants.

**Trucks** are the largest contributor to port-related NOx and the largest on-shore source of diesel PM. Existing regulations are reducing these emissions each year but very significant impacts remain. Cleaning up the older, short-haul truck fleets (including those serving ports), reducing traffic congestion and idling, routing trucks away from neighborhoods, and providing the cleanest diesel fuel are components of the overall truck strategy. Recent ARB actions include anti-idling rules, controls for transport refrigeration units, community-based truck inspections, low sulfur fuel requirements, and reducing excess NOx from 1993-1998 trucks. The primary new strategies in this plan are to apply the best available control technology to the entire truck fleet in private ownership, with a targeted program to modernize the subset of trucks serving ports. The plan targets an 88% reduction in diesel PM, and about a 60% reduction for NOx and ROG by 2020.

**Locomotives** are subject to existing federal standards and the two memoranda of understanding negotiated with the ARB in 1998 and 2005. The plan proposes new strategies to upgrade engines in switcher locomotives and to retrofit diesel PM controls on existing engines. There are at least two technologies that could provide 95% percent control for diesel PM and over 70% for NOx from switchers by 2010: diesel electric hybrids and multiple off-road diesel engine configurations. Particulate retrofits have not been used in California rail yards yet but they have been introduced in Europe.

Both major railroads are testing locomotives equipped with diesel particulate filters right now. A third element of the strategy relies on U.S. EPA adoption of cleaner new engine standards (Tier 3), more stringent rebuild requirements, and national idling limit devices. ARB staff is recommending federal standards that would achieve 90% control of diesel PM and NOx for new engines. A comprehensive program to bring these cleaner locomotives to California could convert 90% of the fleet by 2020. The plan targets an 85% reduction or better in PM by 2020 for all pollutants.

The plan includes the following specific description of emissions in the Bay Area:

The San Francisco Bay Area (Bay Area) is impacted by all types of goods movement sources. Emissions from trucks represent about 40 percent of current goods movement emissions in the Bay Area, and are projected to decrease with time. Harbor craft emissions currently represent about 20 percent of the regional goods movement inventory, a larger fraction than other areas because of the higher number of

*ferries and fishing vessels. Ship emissions in the Bay Area are significant because of activity at the Port of Oakland and the numerous smaller ports designed to service tankers and other bulk commodities. By 2020, ships will contribute more than 70 percent of the diesel PM emissions and slightly less than half of the NOx emissions.*

The complete emissions strategy for each of these sections can be summarized by the following table:

**Table III-17  
List of Strategies to Reduce Emissions from  
Ports and Goods Movement**

Strategy	Status (Adopted or New Strategy)	Implementation Could Begin		
		2006- 2010	2011- 2015	2016- 2020
SHIPS				
Vessel Speed Reduction Agreement for Southern California	2001	✓		
U.S. EPA Main Engine Emission Standards	2003	✓		
U.S. EPA Non-Road Diesel Fuel Rule	2004	✓		
ARB Rule for Ship Auxiliary Engine Fuel	New (2005)	✓		
Cleaner Marine Fuels	New	✓	✓	✓
Emulsified Fuels	New	✓	✓	✓
Expanded Vessel Speed Reduction Programs	New	✓	✓	✓
Install Engines with Emissions Lower than IMO Standards in New Vessels	New	✓	✓	✓
Dedicate the Cleanest Vessels to California Service	New	✓		
Shore Based Electrical Power	New	✓		
Extensive Retrofit of Existing Engines	New		✓	✓
Highly Effective Controls on Main and Existing Engines	New		✓	✓
Sulfur Emission Control Area (SECA) or Alternative	New		✓	
Expanded Use of Cleanest Vessels in California Service	New		✓	
Expanded Shore Power and Alternative Controls	New		✓	
Full Use of Cleanest Vessels in California Service	New			✓
Maximum Use of Shore Power or Alternative Controls	New			✓
COMMERCIAL HARBOR CRAFT				
Incentives for Cleaner Engines	2001-2005	✓		
ARB Low Sulfur Diesel Fuel Rule	2004	✓		
ARB Rule to Clean Up Existing Engines	New	✓		
Shore Based Electrical Power	New	✓		
U.S. EPA or ARB New Engine Emission Standards	New		✓	
CARGO HANDLING EQUIPMENT				
ARB Low Sulfur Diesel Fuel Rule	2003	✓		
ARB/U.S. EPA Tier 4 Emission Standards	2004	✓		
ARB Stationary Diesel Engine Rule	2004	✓		
ARB Portable Diesel Equipment Rule	2004	✓		
Incentives for Cleaner Fuels	2001-2005	✓		

Strategy	Status (Adopted or New Strategy)	Implementation Could Begin By		
		2010	2105	2020
CARGO HANDLING EQUIPMENT, continued				
ARB Rule for Diesel Cargo Handling Equipment	New (2005)	✓		
ARB Rule for Gas Industrial Equipment	New	✓		
Upgrade to 85 Percent Diesel PM Control or Better	New		✓	
Zero or Near Zero Emission Equipment	New			✓
TRUCKS				
ARB/U.S. EPA 2007 New Truck Emission Standards	2001	✓		
Vehicle Replacement Incentives	2001-2005	✓		
ARB Low Sulfur Diesel Fuel Rule	2003	✓		
ARB Smoke Inspections for Trucks in Communities	2003	✓		
Community Reporting of Violators	2005	✓		
ARB Truck Idling Limits	2002-2005	✓		
ARB Low NOx Software Upgrade Rule	2005	✓		
ARB International Trucks Rule	New (2006)	✓		
ARB Private Truck Fleets Rule	New	✓	✓	
Port Truck Modernization	New	✓	✓	✓
Enhanced Enforcement of Truck Idling Limits	New	✓		
LOCOMOTIVES				
ARB Low Sulfur Diesel Fuel Rule	2004	✓		
ARB 2005 Agreement with Railroads to Cut PM Statewide	2005	✓		
Idle Enforcement Training	2006	✓		
Upgrade Engines in Switcher Locomotives	New	✓		
Retrofit Diesel PM Control Devices on Existing Engines	New	✓		
Use of Alternative Fuels	New	✓		
More Stringent National Requirements	New		✓	
Concentrate Tier 3 Locomotives in California	New		✓	✓
OPERATIONAL EFFICIENCY				
Efficiency Improvements	New	✓	✓	✓
Transport Mode Shifts	New	✓	✓	✓
LAND USE DECISIONS	New	✓	✓	✓
PROJECT AND COMMUNITY SPECIFIC MITIGATION	New	✓	✓	✓
PORT AND LOCAL PROGRAMS TO REDUCE EMISSIONS	Ongoing/New	✓	✓	✓

## Analysis

The Air District's proposal to seek additional emissions reductions at the Port of Oakland and Oakland Army Base via the deployment of zero or near-zero emissions equipment specifically meets the plan objectives to fund zero or near-zero emissions goods movement technologies for cargo handling equipment. While zero and near zero emissions equipment is not specified in the other areas of this plan for emissions reductions relative to trucks and other equipment the proposed projects would provide emissions reductions in each of those areas in excess of those envisioned by the plan.

## State of California - California Sustainable Freight Action Plan (2016)

In July 2015, Governor Brown issued Executive Order B-32-15 which provides a vision for California's transition to a more efficient, more economically competitive, and less polluting freight transport

system. The California Sustainable Freight Action Plan (Action Plan) is the fundamental building block for the transition of California's freight transport system to supporting the State's economic development in coming decades while reducing harmful pollution affecting many California communities.

Modernizing California's freight transport system in a manner that improves safety and reduces pollution is essential to improve public health and meet environmental imperatives and is a key goal of the plan. Freight transportation in California generates a high portion of local pollution in parts of the State with poor air quality. Reducing these harmful pollutants is an important local, regional, and State priority, as well as a matter of compliance with the Federal Clean Air Act. California has also recently set new, aggressive targets for reducing greenhouse gas emissions 40% below 1990 levels by 2030 in order to combat climate change. Reducing emissions in the freight sector is critical to meeting these 2030 targets.

The Action Plan is a collaboration between the California State Transportation Agency, California Environmental Protection Agency, Natural Resources Agency, California Air Resources Board, California Department of Transportation, California Energy Commission, and Governor's Office of Business and Economic Development and includes recommendations on:

- A long-term 2050 Vision and Guiding Principles for California's future freight transport system.
- Targets for 2030 to guide the State toward meeting the Vision.
- Opportunities to leverage State freight transport system investments.
- Actions to initiate over the next five years to make progress towards the Targets and the Vision. Pilot projects to achieve on-the-ground progress in the near-term.
- Additional concepts for further exploration and development, if viable.

The State agencies view the Action Plan as the beginning of a process, and signal their interest in collaborating with stakeholders on defining the actions necessary to make the vision for a sustainable freight transport system a reality. This Action Plan is not intended to replace other planning processes and documents such as the California Freight Mobility Plan or regional goods movement plans, but rather is intended to inform those efforts by providing a new perspective regarding the sustainability of the freight system and framework for ongoing collaborative processes.

The Action Plan lists the following air quality and greenhouse gas policy drivers:

***Reducing exposure to air toxics:*** *Despite substantial progress over the last decade, the diesel equipment operating in and around freight hubs continues to be a significant source of air toxics that can cause localized risks of cancer and other adverse health effects. New health science tells us that infants and children are 1.5 to 3 times more sensitive to the harmful effects of exposure to air toxics than we previously understood, which heightens the need for further risk reduction.*

***More protective air quality standards:*** *The federal Clean Air Act requires the State and local air districts to prepare State Implementation Plans demonstrating how the State will attain the national 8-hour ozone and fine particulate matter standards, with plans due in 2016. Attaining the current standards for the 2023 to 2032 timeframes will require broad deployment of zero and near-zero emission technologies in the South Coast and San Joaquin Valley air basins. Currently, freight equipment accounts for about half of the statewide diesel particulate matter emissions, and approximately 45 percent of the statewide nitrogen oxides emissions. Emission reductions from the freight transport system need to be part of the solution.*

**Climate change goals:** In April 2015, Governor Brown signed Executive Order B-30-15 establishing a 2030 greenhouse gas emissions reduction target of 40 percent below 1990 levels, addressing the need for climate adaptation, and directing State government to:

- Incorporate climate change impacts into the State's Five-Year Infrastructure Plan. Update the State's comprehensive strategy for safeguarding against climate impacts.
- Factor climate change from a lifecycle perspective into State agency planning and investment decisions.
- Implement measures under existing agency and departmental authority to reduce greenhouse gas emissions.

Governor Brown further identified five key climate change strategy pillars for California to help achieve the 2030 emissions reduction target:

- Reducing petroleum use in cars and trucks by up to 50 percent.
- Increasing the amount of electricity derived from renewable sources to 50 percent.
- Doubling the efficiency savings achieved at existing buildings.
- Reducing emissions of short-lived climate pollutants.
- Managing natural and working lands so they can store carbon.

Meeting the targets and strategy pillars will require additional actions to decarbonize California's freight transport system. Currently, the system generates six percent of the State's greenhouse gas emissions, with total freight greenhouse gas emissions anticipated to increase without further action.

The plan also contains the following guiding principles:

- Reduce or eliminate health, safety, and quality of life impacts on communities that are disproportionately affected by operations at major freight corridors and facilities. This includes reducing toxic hot spots from freight sources and facilities, and ensuring continued net reductions in regional freight pollution.
- Invest strategically to accelerate the transition to zero and near-zero emission equipment powered by renewable energy sources, including supportive infrastructure.

A key element of measuring the Plan's success will be meeting the following target:

**Transition to Zero Emission Technology Target**

Deploy over 100,000 freight vehicles and equipment capable of zero emission operation and maximize near-zero emission freight vehicles and equipment powered by renewable energy by 2030.

State agencies are also instructed by the Plan to:

Accelerate use of clean vehicle and equipment technologies and fuels for freight through targeted introduction of zero and near-zero emission technologies, and continued development of renewable fuels.

The full text of the plan can be found here:

[ HYPERLINK "[http://www.casustainablefreight.org/app\\_pages/view/154](http://www.casustainablefreight.org/app_pages/view/154)" ]

## Analysis

The Air District's proposal to seek additional emissions reductions at the Port of Oakland and Oakland Army Base via the deployment of zero or near-zero emissions equipment specifically meets the plan objectives to fund zero or near-zero emissions goods movement technologies, trucks and cargo handling equipment as identified in the plan projects above.

### *California State Transportation Agency - California Freight Mobility Plan (2014)*

The California Freight Mobility Plan is a statewide, long-range plan for California's freight transportation system. Developed in collaboration by the California State Transportation Agency (CalSTA) and the California Department of Transportation (Caltrans) in consultation with the California freight advisory committee. The plan serves four purposes:

1. *It builds on the successes of previous California freight plans such as the Goods Movement Action Plan (2007) and current programs such as the Trade Corridors Improvement Fund (TCIF) to identify an updated, cohesive freight vision and a project action list that establishes the need for a new, substantial freight funding program.*
2. *It responds to federal freight planning guidelines under MAP-21 and related State requirements to prepare a freight plan that is consistent with federal guidelines.*
3. *It provides a foundation for air quality improvement and energy transition programs to guide and support the freight sector in achieving criteria pollutant and greenhouse gas reduction targets.*
4. *It serves as a catalyst to normalize freight as a regular aspect of transportation planning at all levels of government in California.*

The plan lists some of its main objectives as:

#### ***Environmental Stewardship***

*Avoid and reduce adverse environmental and community impacts of the freight transportation system*

#### ***Innovative Technology and Practices***

*Use innovative technology and practices to operate, maintain, and optimize the efficiency of the freight transportation system while reducing its environmental and community impacts*

It further defines those objectives to include:

- Implementation of freight projects that demonstrate, enable, implement or incentivize use of advanced, clean technologies (including zero- and near-zero-emissions technologies) and efficiency measures needed to attain ambient air quality standards and achieve needed air toxics and GHG emission
- Support research, demonstration, development, and deployment of innovative technologies
- Promote the use of zero- and near-zero-emissions technologies within the freight industry to support the State Implementation Plan (SIP), attainment of California greenhouse gas reduction targets, and reduction of local air toxics

- Support and incorporate the use of low-carbon renewable fuels

The full text of the plan can be found here:

[ HYPERLINK "[http://www.dot.ca.gov/hq/tpp/offices/ogm/CFMP/Dec2014/CFMP\\_010815.pdf](http://www.dot.ca.gov/hq/tpp/offices/ogm/CFMP/Dec2014/CFMP_010815.pdf)" \l "zoom=75" ]

## Analysis

The Air District proposal to seek additional emissions reductions at the Port of Oakland and Oakland Army base via the deployment of zero or near-zero emissions equipment specifically meets the plan objectives to fund zero or near-zero emissions goods movement technologies, trucks and cargo handling equipment as identified in the plan projects above.

## Additional Studies

### *California Department of Transportation (Caltrans) - San Francisco Bay Area Freight Mobility Study (2014)*

The focus of the 2014 Caltrans study is goods movement in the Bay Area – the types of goods moved, the transportation modes used, the origin-destination patterns, and the level of demand in the region. The San Francisco Bay Area (Bay Area) goods movement system supports global supply chains and regional industries that trade in international, domestic, and local markets. The document reasons that Regional industries require efficient and high quality goods movement services to remain competitive. Inefficiency in the goods movement system can result in higher costs of goods for Bay Area consumers and businesses and can put the region in a competitive disadvantage. In order to better understand goods movement (also defined as freight mobility in federal surface transportation legislation, Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) in the Bay Area, the report begins with a discussion of the population and economic characteristics of the region that drive goods movement demand and explains the role of goods movement in the regional economy.

The study also discusses the impacts of goods movement on air quality as follows:

#### **Diesel Particulate Matter**

*In the Bay Area, particulate matter of 2.5 microns or less (PM2.5) is the pollutant of most concern as it poses 85 percent of the cancer risk from air pollutants. Motor vehicle exhaust is largely responsible for PM2.5 and can create health risks. In the future, with current regulations, PM2.5 from on- and off-road motor vehicles is expected to decline until 2020 due to aggressive regulations on diesel engines. After most of the current fleet has been replaced and adopted the cleaner engines, emissions are expected to experience relatively slow growth as growth in VMT overtakes improvement in engine emissions.*

#### **Nitrogen Oxides and Ozone**

*As compared to the rest of California's nonattainment areas, the Bay Area has relatively less severe problems with ozone. In the future, nitrogen oxide (NOx) (a precursor to ozone) emissions of on-road vehicles are expected to decline due to fleet turnover resulting in cleaner vehicles and more stringent emission regulations for trucks.*

#### **Greenhouse Gases (GHG)**

*GHG emissions can lead to climate change impacts, such as sea level rise and extreme weather events, which will affect significant portions of the freight infrastructure. In 2007, 95.8 million metric tons of carbon dioxide (CO2)-equivalent GHGs was emitted by all sources in the Bay Area, of which 36.4 percent came from the transportation sector and 76.2 percent of the transportation-sector emissions were attributable to freight.*

#### **Air Quality and Environmental Justice Issues**

*There are communities in the Bay Area that are disproportionately impacted by air quality issues. These are typically socially and economically disadvantaged communities located near major freight hubs, freight corridors, and industrial enclaves (such as the West Oakland neighborhood next to the Port of Oakland).*

The study also discusses specific issues at the Port of Oakland including those with independent owner operators:

*In recent years, the California Air Resources Board (CARB) has promulgated new emission standards for drayage trucks serving California's seaports. Complying with new regulations poses financial challenges for the IOO segment of the trucking industry because the IOOs often lack access to the capital necessary to pay for new trucks. In the*



past, the State, the Bay Area Air Quality Management District (BAAQMD), and the Port of Oakland have had programs to help IOOs finance conversion to cleaner trucks. However, the next round of emission reductions will require expensive conversions, and there currently is no additional monetary assistance to help pay for the new technologies. How this will be resolved in a manner which protects communities from adverse health impacts of truck emissions while addressing the economic impacts on IOOs has not yet been determined.

*Impacts from Proximity to Freight Facilities* Apart from air quality, freight movement often creates impacts on communities in proximity to freight facilities. These can include light pollution from activities, such as nighttime freight operations; noise pollution from truck braking and horn blowing by trains; vibrations from heavy trucks and rail; and ecosystem pollution (water, soil, wetlands) from accidents involving the movement of hazardous materials. In the Bay Area, the communities in the East Bay along the I-880 and I-80 corridors are likely to experience the largest impacts from freight activities, especially since there is a high degree of residential development that is directly adjacent to the corridor.

In addition to environmental issues, several communities in the Bay Area are dealing with truck encroachment in neighborhoods often related to the following causes: 1) lack of adequate parking and service facilities, 2) lack of signage for truck routes, 3) lack of adequate access to service facilities and freight facilities via legally designated routes, and 4) lack of enforcement and regulation of truck activity. Terminal operations, terminal delay, and hours of service regulations also have effects on this illegal parking issue.

The study also discusses air quality mitigation strategies to offset goods movement in the Bay Area:

### **Mitigation Strategies**

#### **Air Quality**

**Continued implementation of major regulatory standards and adopted regional control measures to reduce truck emissions** – While there are many regulations that affect emissions from trucks, the one that will have the greatest impact is CARB's On-Road Heavy-Duty Diesel Vehicles (In-Use) Regulation, which applies to trucks already on the road. By 2023, nearly all trucks and buses will need to have 2010 model-year engines or equivalent. There are a number of other new regulations that will have an impact on freight emissions. The BAAQMD has also adopted several mobile source and transportation control measures as part of the 2010 Clean Air Plan that will help address the need to reduce emissions from freight sources, including incentives to accelerate replacement of heavy-duty on-road diesel engines and installation of low NOx engine retrofits; and incentives for installation of other low emission goods movement equipment.

**Continue implementation of the Maritime Air Quality Improvement Plan (MAQIP)** – The Port of Oakland, in partnership with BAAQMD and other stakeholders, developed the MAQIP to reduce diesel PM emissions from maritime activities and stationary point sources. As part of this plan, the Port committed to a goal of reducing diesel PM from seaport sources by 85 percent between 2005 and 2020, with interim goals set for 2012. To achieve this goal, the Port is pursuing strategies involving source controls, operational changes, and assistance with regulatory compliance for affected port-related businesses. Based on the 2012 Inventory, the Port of Oakland already has achieved a 70 percent reduction in PM2.5 and is on track to fully achieve its air quality targets by 2020.

**Address funding/financing needs of IOOs at the Port of Oakland for engine conversions to meet new regulatory standards** – While various partner agencies were able to make funding available to the IOOs for the first round of engine retrofits associated with CARB's drayage truck emission rules, these funds have been exhausted. New sources of assistance are needed.

**Explore opportunities for freight rail electrification** – Options for electrifying freight rail infrastructure were reviewed in 2007 as part of the Bay Area Regional Rail Plan. At that time, it was determined that the economic and

*logistical hurdles to freight rail electrification are significant. Recent studies in Southern California suggest that while technology for rail electrification continues to advance, there is still development needed before a practical system that meets the freight needs of the Western U.S. can be implemented. Nonetheless, the region would benefit from continued technology research and development (R&D) programs at the State and federal levels to assess freight rail electrification options for the future.*

**Improve emission performance of diesel-powered locomotives** – By 2025, the U.S. Environmental Protection Agency (EPA) estimates that 34 percent of the nationwide Class I line-haul fleet will be using Tier 4-compliant locomotives, the most stringent emission standards adopted by EPA. Nevertheless, switcher locomotives, which operate in proximity to rail yards and thereby impact urban air quality, tend to be older and more polluting than line-haul locomotives. One strategy is to encourage rail operators to purchase new locomotives for switching activity rather than relying on retired line-haul locomotives.

**Work with fleet operators and fuel suppliers to assist with implementation of alternative fuel options for trucking** – In recent years, there has been renewed interest in the use of low-emission, alternative fuels. In particular, the new sources of low-cost natural gas in the U.S. have made this a very competitively priced option for trucking fleets. A number of private companies have begun to develop a natural gas fueling infrastructure throughout the U.S. Regional and State agencies could aid this process by helping to assemble the data necessary to conduct fuel market assessments, and provide these data on potential site locations.

The full text of the plan can be found here:

[ HYPERLINK

"http://www.dot.ca.gov/hq/tpp/offices/ogm/regional\_level/FR3\_SFBAFMS\_Final\_Report.pdf" \l "zoom=85" ]

## Analysis

The Air District's proposal to seek additional emissions reductions at the Port of Oakland and Oakland Army base via the deployment of zero or near-zero emissions equipment aligns with the study's goals of implementing Air District CAP measures and with working with fleets and fuel suppliers to assist in the implementation of alternative fuel options for trucking. While the study mentions natural gas only, the Air District plan for zero or near-zero emissions alternative fuels includes renewable diesel, renewable natural gas, renewable hydrogen and electricity.

Equipment Inventories

Available Zero and near Zero Equipment

Conclusions

DRAFT

Message

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**From:** Lee, Anna, Public Health, OOD [Anna.Lee@acgov.org]  
**Sent:** 2/2/2017 10:56:43 PM  
**To:** Margaret Gordon [Personal Address / Ex. 6] Brian Beveridge [Personal Address / Ex. 6]  
**Subject:** FW: OAB Mitigation  
**Attachments:** Port of Oakland Seaport ARB Action List draft 1.2017.docx

FYI — just making sure you have this document too.

---

**From:** David Vintze [mailto:DVintze@baaqmd.gov]  
**Sent:** Friday, January 20, 2017 1:49 PM  
**To:** McGowan, Patricia <PMcGowan@oaklandnet.com>  
**Cc:** Marvin, Cynthia@ARB (cynthia.marvin@arb.ca.gov) <cynthia.marvin@arb.ca.gov>; Elizabeth Yura (eyura@arb.ca.gov) <eyura@arb.ca.gov>; Grow, Richard (Grow.Richard@epa.gov) <Grow.Richard@epa.gov>; Lee, Anna, Public Health, OOD <Anna.Lee@acgov.org>  
**Subject:** OAB Mitigation

Hi Pat,

Attached is the ARB supplement to the OAB mitigation document drafted by the Air District with stakeholder input that we discussed last week. We are in the process of integrating these two documents and would like to work with the City and Port on finalizing a consensus approach to resolving the community's and agency concerns with future development at OAB. We are awaiting the City and Port response to the issues discussed at the 12-13-16 meeting. Thanks, Dave

Dave Vintze  
Air Quality Planning Manager  
Bay Area Air Quality Management District  
375 Beale Street, Suite 600  
San Francisco, California 94105

415-749-5179 Office  
[Personal Address / Ex. 6] Cell

[www.baaqmd.gov](http://www.baaqmd.gov)

Message

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**From:** BANDROWSKI, MIKE [Bandrowski.Mike@epa.gov]  
**Sent:** 1/11/2018 11:50:25 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** RE: exchange with BAAQMD, Greg Nudd

Thanks.

**Mike Bandrowski** | Manager, Office of Air Toxics, Radiation and Indoor Air  
U.S. Environmental Protection Agency | Region 9 | Air Division, Air-6 | 75 Hawthorne St |  
San Francisco, CA 94105 | Tel 415.947-4194 | [bandrowski.mike@epa.gov](mailto:bandrowski.mike@epa.gov)

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**From:** Grow, Richard  
**Sent:** Thursday, January 11, 2018 3:34 PM  
**To:** BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>  
**Subject:** FYI: exchange with BAAQMD, Greg Nudd

So you know what's been said...

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**From:** Gregory H. Nudd [<mailto:gnudd@baaqmd.gov>]  
**Sent:** Thursday, January 11, 2018 2:28 PM  
**To:** Grow, Richard <[Grow.Richard@epa.gov](mailto:Grow.Richard@epa.gov)>  
**Subject:** RE: Talk briefly re MAQIP Friday afternoon after AB617 ?

Richard,

That works for me. Let's talk tomorrow.

Greg

---

**From:** Grow, Richard [<mailto:Grow.Richard@epa.gov>]  
**Sent:** Thursday, January 11, 2018 12:59 PM  
**To:** Gregory H. Nudd <[gnudd@baaqmd.gov](mailto:gnudd@baaqmd.gov)>  
**Subject:** Talk briefly re MAQIP Friday afternoon after AB617 ?

Greg

Following up on the exchange below, is there any chance you will have a few minutes following the AB617 meeting at your office tomorrow afternoon (1-2:30) to talk briefly about the MAQIP ? My manager Mike Bandrowski, who will be at the AB617 meeting, and I will be participating on the MAQIP task force once it regroups, and are hoping to have some interagency discussion (BAAQMD, ARB, Alameda County Public Health and EPA/R9) before heading into the MAQIP process. I'm attaching the WOEIP's set of concerns which they gave to the Port in a meeting this past Monday morning.

Thanks

Richard  
Office: (415) 947-4104

**Personal Matters / Ex. 6**

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**From:** Grow, Richard  
**Sent:** Wednesday, January 10, 2018 8:08 AM  
**To:** 'Jack Broadbent' <[jack@baaqmd.gov](mailto:jack@baaqmd.gov)>  
**Cc:** [dbreen@baaqmd.gov](mailto:dbreen@baaqmd.gov); Gregory H. Nudd <[gnudd@baaqmd.gov](mailto:gnudd@baaqmd.gov)>  
**Subject:** RE: Urgent questions on MAQIP

Jack

Thank you, very encouraging. We're meeting this afternoon to figure out who our management rep will be. Last time it was Amy Zimpfer as the AD with geographic responsibility for the Bay Area, but that's changed, and once we get our new Regional Administrator there will likely further changes. BTW several of us are headed over to your office Friday afternoon to discuss AB617 with Greg and others, with ARB and CalEPA likely dialing in.

Richard

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**From:** Jack Broadbent [<mailto:jack@baaqmd.gov>]  
**Sent:** Tuesday, January 09, 2018 9:44 PM  
**To:** Grow, Richard <[Grow.Richard@epa.gov](mailto:Grow.Richard@epa.gov)>  
**Cc:** [dbreen@baaqmd.gov](mailto:dbreen@baaqmd.gov); Gregory H. Nudd <[gnudd@baaqmd.gov](mailto:gnudd@baaqmd.gov)>  
**Subject:** Re: Urgent questions on MAQIP

Richard,

I will personally participate on the MAQIP Steering group, but as far as our staff contact, I would coordinate with Greg Nudd of the District. I asked to be on the invite list specifically because of the concerns from community members about reconvening this group. I do think the interagency representatives should talk before the first meeting of the MAQIP. We should also talk about our recent discussions with the Port re: projects and related issues.

Jack

Get Outlook for iOS

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**From:** Grow, Richard <[grow.richard@epa.gov](mailto:grow.richard@epa.gov)>  
**Sent:** Tuesday, January 9, 2018 7:51 PM  
**Subject:** Urgent questions on MAQIP  
**To:** Jack Broadbent <[jack@baaqmd.gov](mailto:jack@baaqmd.gov)>  
**Cc:** Damian Breen <[dbreen@baaqmd.gov](mailto:dbreen@baaqmd.gov)>, Gregory H. Nudd <[gnudd@baaqmd.gov](mailto:gnudd@baaqmd.gov)>

Jack (cc Damian and Greg)

We have just recently been contacted by the Port of Oakland's contractor about reconvening the MAQIP Task Force. Even though we had been hearing about this via WOEIP for some time, details had been at best very scarce. At the same time we are aware that the last round of MAQIP (2009) concluded amidst significant dissatisfaction among the "interagency" group which included your and our agencies as well as CARB and ACPH, that dissatisfaction being well memorialized in a subsequent port-funded evaluation report by Viveka Chen. We are also aware that the WOEIP has voiced concerns about this reconvening which have yet to be responded to by the Port. Finally, it is our understanding that the first of very few planned meetings under this reconvened process has been set for January 25 or 26th.

Could you please let us know whom at your office we should be talking to and coordinating with regarding this effort. Any thoughts on whether the schedule and process for this is already set in stone would also be welcome. Finally, please consider whether it might be useful for the member agencies of the "interagency work group"

001112 2020-10-29

from the 2008-9 effort to talk prior to the formal launch of this effort.

Thanks again,

Richard

Message

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**From:** Richard Sinkoff [rsinkoff@portoakland.com]  
**Sent:** 1/6/2018 1:31:14 AM  
**To:** Brian Beveridge [Personal Address / Ex. 6]  
**CC:** margaret.woeip@gmail.com; Scott McCreary [scott@concurinc.net]; Laura Arreola [larreola@portoakland.com]; Catherine Mukai [cmukai@portoakland.com]; Amy Tharpe [atharpe@portoakland.com]; Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** RE: Maritime Air Quality Improvement Plan Update: Task Force engagement

Hi Brian and Ms. Margaret,  
Thanks for meeting with the Port and CONCUR at your offices. We will see you at 1:30 p.m. on Monday.  
Have a great weekend.  
Richard

**From:** Brian Beveridge [mailto:Personal Address / Ex. 6]  
**Sent:** Thursday, January 04, 2018 3:32 PM  
**To:** Richard Sinkoff <rsinkoff@portoakland.com>  
**C:** Personal Address / Ex. 6; Scott McCreary <scott@concurinc.net>; Laura Arreola <larreola@portoakland.com>; Catherine Mukai <cmukai@portoakland.com>; Amy Tharpe <atharpe@portoakland.com>; Richard Grow <grow.richard@epa.gov>  
**Subject:** Re: Maritime Air Quality Improvement Plan Update: Task Force engagement

Sorry Richard  
I thought I responded. 1:30 - 2:30 on Monday, Jan 8, works for us. We are happy to host the meeting at our offices.  
regards, Brian

p.s. and yes, I like ginger! no butter frosting for me, though. just in case you had something lavish in mind. and no nuts for Ms. M.

"(Community) resilience can be understood as place-based cultural practice that defines how residents survive in neighborhoods that already look broken, yet function due to existing social networks, tacit knowledge, and local histories." - Hector Fernando Burga

BRIAN BEVERIDGE, Co-Director  
West Oakland Environmental Indicators Project  
349 Mandela Pkwy.  
Oakland, Ca. 94607  
[Personal Address / Ex. 6]  
[WWW.WOEIP.ORG](http://WWW.WOEIP.ORG)

On Thu, Jan 4, 2018 at 3:26 PM, Richard Sinkoff <rsinkoff@portoakland.com> wrote:

Dear Bran and Ms. Margaret,

Just following up on my e-mail from yesterday. How does 1:30-2:30 p.m. look on your schedules on Monday, January 8? Port offices or WOEIP best for you?



Looking forward,

Richard

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**From:** Richard Sinkoff

**Sent:** Wednesday, January 03, 2018 12:21 PM

**To:** 'Brian Beveridge' **Personal Address / Ex. 6**

**Cc:** **Personal Address / Ex. 6** Scott McCreary <[scott@concurinc.net](mailto:scott@concurinc.net)>; Laura Arreola <[larreola@portoakland.com](mailto:larreola@portoakland.com)>; Catherine Mukai <[cmukai@portoakland.com](mailto:cmukai@portoakland.com)>; Amy Tharpe <[atharpe@portoakland.com](mailto:atharpe@portoakland.com)>; Richard Grow <[grow.richard@epa.gov](mailto:grow.richard@epa.gov)>

**Subject:** RE: Maritime Air Quality Improvement Plan Update: Task Force engagement

Hi Brian,

Thanks so much for getting back to me so quickly. Much appreciated.

How does 1:30 p.m.-2:30 p.m. work for you and Ms. Margaret on Monday, January 8? Would you and Ms. Margaret like to come to the Port office at 530 Water Street or would you prefer that we meet at WOEIP offices?

Best,

Richard

p.s. I will see what I can muster up in the kitchen for our meeting on Monday! Do you like ginger?

---

**From:** Brian Beveridge [mailto:**Personal Address / Ex. 6**]

**Sent:** Tuesday, January 02, 2018 7:40 PM

**To:** Richard Sinkoff <[rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com)>

**Cc:** **Personal Address / Ex. 6** Scott McCreary <[scott@concurinc.net](mailto:scott@concurinc.net)>; Laura Arreola <[larreola@portoakland.com](mailto:larreola@portoakland.com)>; Catherine Mukai <[cmukai@portoakland.com](mailto:cmukai@portoakland.com)>; Amy Tharpe <[atharpe@portoakland.com](mailto:atharpe@portoakland.com)>; Richard Grow <[grow.richard@epa.gov](mailto:grow.richard@epa.gov)>

**Subject:** Re: Maritime Air Quality Improvement Plan Update: Task Force engagement

Hi Richard

Happy New Year! I saw that you were doing some baking over the holidays! Where's my slice?

Ms. Margaret and I have discussed our potential participation in the MAQIP Update Task Force and we would meet with your team to discuss our concerns about the process going forward. I won't go into detail here, but we have a clear and finite list of issues that we feel need to be addressed before this can be a successful update process for all stakeholders.

We are available next week, Monday, Wednesday or Thursday after 1pm. We would like to have Richard Grow sit in as an observer, but we will leave our EarthJustice lawyers at home, if the Port agrees to do the same.

regards, Brian

"(Community) resilience can be understood as place-based cultural practice that defines how residents survive in neighborhoods that already look broken, yet function due to existing social networks, tacit knowledge, and local histories." - Hector Fernando Burga

BRIAN BEVERIDGE, Co-Director  
West Oakland Environmental Indicators Project  
349 Mandela Pkwy.  
Oakland, Ca. 94607

Personal Address / Ex. 6

WWW.WOEIP.ORG

On Tue, Jan 2, 2018 at 3:16 PM, Richard Sinkoff <[rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com)> wrote:

Good afternoon Ms. Margaret and Brian,

First, Happy New Year! I hope that you both enjoyed a beautiful New Year's celebration (and Ms. Margaret, a beautiful birthday too!)

I am reaching out to see if you might have some time to meet Scott McCreary and the Port (Laura, Catherine and I) to chat about your interest in serving on the MAQIP Task Force.

The Port is reconvening the Task Force in January, February, March 2018 to consider emissions reduction measures to achieve the -85% diesel particulate matter (DPM) reduction goal.

I know that Scott reached out to Ms. Margaret about two weeks ago and that Ms. Margaret expressed her views and concerns regarding the Task Force.

I hope that we can meet to discuss your concerns and reflect these in the planning for the MAQIP Update.

I look forward to hearing from you at your earliest convenience.

Best always,

Richard

Richard Sinkoff

Director of Environmental Programs and Planning

Port of Oakland

510-627-1182

[rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com)

Message

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**From:** BANDROWSKI, MIKE [Bandrowski.Mike@epa.gov]  
**Sent:** 1/11/2018 11:46:24 PM  
**To:** Meredith Cowart [meredith@concurinc.net]  
**CC:** Grow, Richard [Grow.Richard@epa.gov]; Scott McCreary [scott@concurinc.net]  
**Subject:** RE: Maritime Air Quality Management Plan (MAQIP) Update: Invitation

Meredith- Let me coordinate with people at my end and get back to you.

**Mike Bandrowski** | Manager, Office of Air Toxics, Radiation and Indoor Air  
U.S. Environmental Protection Agency | Region 9| Air Division, Air-6 | 75 Hawthorne St |  
San Francisco, CA 94105 |Tel 415.947-4194 | [bandrowski.mike@epa.gov](mailto:bandrowski.mike@epa.gov)

**From:** Meredith Cowart [mailto:meredith@concurinc.net]  
**Sent:** Thursday, January 11, 2018 3:28 PM  
**To:** BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>  
**Cc:** Valentine, Stephanie <Valentine.Stephanie@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>; Scott McCreary <scott@concurinc.net>  
**Subject:** Fwd: Maritime Air Quality Management Plan (MAQIP) Update: Invitation

Mike,

Per your note above, CONCUR would be happy to schedule a 20-40 minute interview with you and/or Richard and Stephanie as needed in the coming few days. We have the following time slots available:

Friday 1/12  
8:30 -10:00  
10:45-3:15

Tuesday 1/16  
11:30 - 4:30

Wednesday 1/17  
8:30 - 4:30

Please identify a half hour window during these times that work for you, and let us know what number we can reach you on (or if you'd like a conference line so that multiple parties can dial in).

Attached please find the "MAQIP Update – Task Force Project Description", with background information and draft goals of the MAQIP Update Task Force. Please keep in mind that we expect that these draft goals may change, depending on what we learn in our interviews with you and other MAQIP Task Force Members.

We look forward to speaking with you.

Regards,

Meredith Cowart, Associate  
Scott McCreary, Principal

----- Forwarded message -----

From: **BANDROWSKI, MIKE** <[Bandrowski.Mike@epa.gov](mailto:Bandrowski.Mike@epa.gov)>

Date: Thu, Jan 11, 2018 at 2:29 PM

Subject: RE: Maritime Air Quality Management Plan (MAQIP) Update: Invitation

To: "[rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com)" <[rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com)>, "Zimpfer, Amy" <[Zimpfer.Amy@epa.gov](mailto:Zimpfer.Amy@epa.gov)>

Cc: Scott McCreary <[scott@concurinc.net](mailto:scott@concurinc.net)>, Meredith Cowart <[meredith@concurinc.net](mailto:meredith@concurinc.net)>, Amy Tharpe <[atharpe@portoakland.com](mailto:atharpe@portoakland.com)>, Laura Arreola <[larreola@portoakland.com](mailto:larreola@portoakland.com)>, Catherine Mukai

<[cmukai@portoakland.com](mailto:cmukai@portoakland.com)>, "Valentine, Stephanie" <[Valentine.Stephanie@epa.gov](mailto:Valentine.Stephanie@epa.gov)>, "Grow, Richard" <[Grow.Richard@epa.gov](mailto:Grow.Richard@epa.gov)>, "McDaniel, Penelope" <[MCDANIEL.PENELOPE@epa.gov](mailto:MCDANIEL.PENELOPE@epa.gov)>, "Lakin, Matt" <[Lakin.Matthew@epa.gov](mailto:Lakin.Matthew@epa.gov)>

Hi Richard,

Why don't you have CONCUR contact me and I will include Stephanie and Richard, as needed.

We look forward to discussing the topics outlined in your January 5 note to Amy. I'm sure you recall that during the previous MAQIP effort there was an interagency workgroup which included EPA, the Bay Area Air Quality Management Agency, California Air Resources Board and the Alameda County Public Health department. We have been in contact with those agencies and will need time for discussion among the agencies regarding our goals and roles in the upcoming process. While we would hope to not upset your tentative schedule for launching the Task Force, we also feel it is important that the process be carried out in a way that is most likely to be productive and meaningful for the Port, community, relevant agencies and other stakeholders.

If CONCUR would like to contact me and suggest some times for the interview, I can let them know my availability and coordinate with Richard Grow, of my office, whom you may recall from the previous MAQIP work. Please copy him on further emails and materials regarding the MAQIP.

Looking forward to working with you.

Mike

**Mike Bandrowski** | Manager, Office of Air Toxics, Radiation and Indoor Air  
U.S. Environmental Protection Agency | Region 9 | Air Division, Air-6 | **75 Hawthorne St** |  
**San Francisco, CA 94105** | Tel **415.947-4194** | [bandrowski.mike@epa.gov](mailto:bandrowski.mike@epa.gov)

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**From:** Richard Sinkoff [<mailto:rsinkoff@portoakland.com>]

**Sent:** Thursday, January 11, 2018 1:41 PM

**To:** Zimpfer, Amy <[Zimpfer.Amy@epa.gov](mailto:Zimpfer.Amy@epa.gov)>

**Cc:** Scott McCreary <[scott@concurinc.net](mailto:scott@concurinc.net)>; Meredith Cowart <[meredith@concurinc.net](mailto:meredith@concurinc.net)>; Amy Tharpe <[atharpe@portoakland.com](mailto:atharpe@portoakland.com)>; Laura Arreola <[larreola@portoakland.com](mailto:larreola@portoakland.com)>; Catherine Mukai <[cmukai@portoakland.com](mailto:cmukai@portoakland.com)>; Valentine, Stephanie <[Valentine.Stephanie@epa.gov](mailto:Valentine.Stephanie@epa.gov)>; BANDROWSKI, MIKE <[Bandrowski.Mike@epa.gov](mailto:Bandrowski.Mike@epa.gov)>; Grow, Richard <[Grow.Richard@epa.gov](mailto:Grow.Richard@epa.gov)>; McDaniel, Penelope <[MCDANIEL.PENELOPE@EPA.GOV](mailto:MCDANIEL.PENELOPE@EPA.GOV)>; Lakin, Matt <[Lakin.Matthew@epa.gov](mailto:Lakin.Matthew@epa.gov)>

**Subject:** RE: Maritime Air Quality Management Plan (MAQIP) Update: Invitation

Hi Amy,

Thank you and by extension Stephanie, Mike and Richard for their support and participation on the MAQIP Task Force.

001119 2020-10-29

As a next step, CONCUR will contact Stephanie.  
We look forward to working with the EPA team.  
Best,  
Richard

---

**From:** Zimpfer, Amy [<mailto:Zimpfer.Amy@epa.gov>]  
**Sent:** Thursday, January 11, 2018 11:26 AM  
**To:** Richard Sinkoff <[rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com)>  
**Cc:** Scott McCreary <[scott@concurinc.net](mailto:scott@concurinc.net)>; Meredith Cowart <[meredith@concurinc.net](mailto:meredith@concurinc.net)>; Amy Tharpe <[atharpe@portoakland.com](mailto:atharpe@portoakland.com)>; Laura Arreola <[larreola@portoakland.com](mailto:larreola@portoakland.com)>; Catherine Mukai <[cmukai@portoakland.com](mailto:cmukai@portoakland.com)>; Valentine, Stephanie <[Valentine.Stephanie@epa.gov](mailto:Valentine.Stephanie@epa.gov)>; BANDROWSKI, MIKE <[Bandrowski.Mike@epa.gov](mailto:Bandrowski.Mike@epa.gov)>; Grow, Richard <[Grow.Richard@epa.gov](mailto:Grow.Richard@epa.gov)>; McDaniel, Penelope <[MCDANIEL.PENELOPE@EPA.GOV](mailto:MCDANIEL.PENELOPE@EPA.GOV)>; Lakin, Matt <[Lakin.Matthew@epa.gov](mailto:Lakin.Matthew@epa.gov)>  
**Subject:** RE: Maritime Air Quality Management Plan (MAQIP) Update: Invitation

Hi Richard,

# Deliberative Process / Ex. 5

Regards,  
Amy

---

**From:** Richard Sinkoff [<mailto:rsinkoff@portoakland.com>]  
**Sent:** Thursday, January 04, 2018 5:16 PM  
**To:** Zimpfer, Amy <[Zimpfer.Amy@epa.gov](mailto:Zimpfer.Amy@epa.gov)>  
**Cc:** Scott McCreary <[scott@concurinc.net](mailto:scott@concurinc.net)>; Meredith Cowart <[meredith@concurinc.net](mailto:meredith@concurinc.net)>; Amy Tharpe <[atharpe@portoakland.com](mailto:atharpe@portoakland.com)>; Laura Arreola <[larreola@portoakland.com](mailto:larreola@portoakland.com)>; Catherine Mukai <[cmukai@portoakland.com](mailto:cmukai@portoakland.com)>  
**Subject:** FW: Maritime Air Quality Management Plan (MAQIP) Update: Invitation

Dear Amy,

Happy New Year 2018!

I am writing to invite you to participate in the final updating of the MAQIP. Indeed, we are in the "home stretch" of MAQIP implementation (Years 2018-Year 2020). Based upon the Port's 2015 emissions inventory, MAQIP programs and projects have resulted in a 76% reduction in diesel particulate matter (DPM) over the Year 2005 baseline. This is indeed great progress and we also have more to do. As you

recall, the Board committed to an 85% reduction in DPM. The role of the MAQIP Task Force will be primarily to review and discuss emissions reduction measures to achieve the -85% goal.

We are planning three meetings, as follows:

Friday, January 26, 2018: 10:00 a.m.-2:00 p.m.

Friday, February 23, 2018: 10:00 a.m.-2:00 p.m.

Thursday, March 29, 2018: 10:00 a.m.-2:00 p.m.

Scott McCreary, CONCUR, will be following up with you.

We look forward to your anticipated participation.

Sincerely,

Richard

Richard Sinkoff  
Director of Environmental Programs and Planning  
Port of Oakland  
510-627-1182  
[rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com)

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Meredith Cowart  
Associate  
CONCUR, Inc  
[meredith@concurinc.net](mailto:meredith@concurinc.net)  
[www.concurinc.com](http://www.concurinc.com)  
(510) 649-8008

Message

---

**From:** Brian Beveridge [Personal Address / Ex. 6]  
**Sent:** 12/6/2017 5:12:48 AM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**CC:** Lee, Anna, Public Health, CAPE [Anna.Lee@accgov.org]; Adenike Adeyeye [adenike.adeyeye@gmail.com]; Ray Kidd [kidd@att.net]; Margaret Gordo [Personal Address / Ex. 6]; Alison Kirk [akirk@baaqmd.gov]; Elizabeth Yura [elizabeth.yura@arb.ca.gov]; pcort@earthjustice.org  
**Subject:** Re: FYI: Truck Management Plan - studies and scope

Thanks Richard

Our goal now is to see that the city incorporates the data presentation into one of their open public meetings; not a small focus group that no one attends.

Surlene's attempt to deflect Ms. Margaret's proposal is unacceptable.

Thanks Brian

On Dec 5, 2017 10:02 AM, "Grow, Richard" <Grow.Richard@epa.gov> wrote:

All - FYI wanted to let you know that I followed up with the City and Port on the Saturday discussion of the TMP. Any thoughts, corrections, suggestions welcome.

Richard

-----Original Message-----

**From:** Grow, Richard  
**Sent:** Monday, December 04, 2017 11:50 AM  
**To:** [PMcGowan@oaklandnet.com](mailto:PMcGowan@oaklandnet.com)  
**Cc:** [wgilchrist@oaklandnet.com](mailto:wgilchrist@oaklandnet.com); [sggrant@envirocommunications.com](mailto:sggrant@envirocommunications.com); [agardner@portoakland.com](mailto:agardner@portoakland.com)  
**Subject:** Truck Management Plan - studies and scope

Patricia McGowan (cc William Gilchrist, Andrea Gardner, Surlene Grant)

This note is to follow up on the suggestion I put forward at the excellent community workshop on trucks in West Oakland which you hosted this past Saturday. In my remarks Saturday I made reference to a suggestion previously put forward by Ms. Margaret Gordon of the WOEIP at the July 10 meeting at City Hall which you also hosted, and during which EDF presented the findings from its "Street View" project documenting on a fine scale (block by block) the levels and distribution of black carbon. At the July 10 meeting Ms. Gordon suggested that the 20 or so parties gathered around the table, representing perhaps a dozen organizations, agencies and interests, work collaboratively together to assess and address the implications of the studies findings with regard to mitigation of the effects revealed by the study.

My suggestion this past Saturday was that you, along with others carrying out this latest "truck management plan" exercise, incorporate into the current planning effort time to for participants in the planning effort to consider the EDF/Google study as well as a more recent UC Berkeley assisted "100 x 100" West Oakland black carbon monitoring study. As I mentioned Saturday, there may be no community in the country for which there is a richer availability of local scale air pollutant data. It seems here that it would be unfortunate to not make use of this information in coming up with a truck plan addressing the public health impacts of truck-related operations in West Oakland.

Regarding the scope of the TMP, I hope you will be open to the possibility that consideration of this additional information could have some effect on the scope of the plan itself. It was clear from the discussions Saturday



that the issue of the scope of the TMP is itself an issue of quite some concern to many stakeholders. This also goes to the assurances I had previously received from both yourself and Claudia Cappio at the August 23 Air Quality Stakeholders meeting, assurances that the scope of the TMP had not already been set, but would rather be set by way of the interactive process which you would be convening this fall. I found this encouraging, as well as consistent with the language of mitigation measure 4.3-7, committing to a truck management plan and enumerating 8 potential "elements", while also including the caveat that the plan "is not limited to" that list of elements.

I understand that you have been assuming the viability of a "five step" planning process as laid out at the Saturday meeting, with the next (i.e. third) meeting to be focused on "prioritization" of measures proposed by City staff based on the first two meetings, and acknowledge that my suggestions might result in the TMP process taking a bit longer, but hope that you will consider whether they might also add to the quality of and support for the plan. There may be some logic in getting a common understanding of, and agreement on, the scope of the plan before moving on to prioritizing components of the plan.

Please feel free to call me directly to discuss this further, and thanks again for the very educational event this past weekend.

Richard Grow  
US EPA  
Region 9  
(415) 947-4104

Message

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**From:** Zimpfer, Amy [Zimpfer.Amy@epa.gov]  
**Sent:** 1/5/2018 7:01:18 PM  
**To:** Donez, Francisco [Donez.Francisco@epa.gov]; Grow, Richard [Grow.Richard@epa.gov]  
**CC:** McDaniel, Penelope [MCDANIEL.PENELOPE@EPA.GOV]  
**Subject:** RE: Following up RSinkoff email: Scheduling a Port MAQIP Interview-AZimpfer

Great! thanks

---

**From:** Donez, Francisco  
**Sent:** Friday, January 05, 2018 10:53 AM  
**To:** Zimpfer, Amy <Zimpfer.Amy@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>  
**Cc:** McDaniel, Penelope <MCDANIEL.PENELOPE@EPA.GOV>  
**Subject:** RE: Following up RSinkoff email: Scheduling a Port MAQIP Interview-AZimpfer

Thanks, Amy. This is an exciting development. I would like to participate in this internal discussion.

Talk to you soon,  
Francisco

---

**From:** Zimpfer, Amy  
**Sent:** Friday, January 05, 2018 10:39 AM  
**To:** Valentine, Stephanie <Valentine.Stephanie@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>  
**Cc:** Donez, Francisco <Donez.Francisco@epa.gov>; McDaniel, Penelope <MCDANIEL.PENELOPE@EPA.GOV>  
**Subject:** FW: Following up RSinkoff email: Scheduling a Port MAQIP Interview-AZimpfer

FYI/Lets discuss.

Richard,

When you get back, could you please set up a meeting for you, me, Stephanie, someone from our WCC team and any others you would like to include. We can discuss how to approach this activity going forward.

Thanks!

p.s. Penny/Francisco—I think it'd be good for at least one of you to participate in this initial internal meeting given your leadership roles on ports. Please let us know who between the two of you (You both can if you'd like...)

**From:** Scott McCreary [mailto:scott@concurinc.net]  
**Sent:** Friday, January 05, 2018 10:27 AM  
**To:** Zimpfer, Amy <Zimpfer.Amy@epa.gov>  
**Cc:** Meredith Cowart <meredith@concurinc.net>  
**Subject:** Following up RSinkoff email: Scheduling a Port MAQIP Interview-AZimpfer

Dear Amy,

Following up on the Port of Oakland's January 4, 2018, email, we are contacting you to schedule a brief interview for the MAQIP Update Task Force. We hope to cover the following:

- 1) Your background and interests as they relate to the MAQIP
- 2) Your involvement with past Port of Oakland air quality planning efforts
- 3) Goals of the MAQIP Update

- 4) Role of the MAQIP Task Force members
- 5) Meeting agenda topics

We will use the interviews to help plan the MAQIP Task Force meetings and agendas.

Attached please find the “MAQIP Update – Task Force Project Description”, with background information and draft goals of the MAQIP Update Task Force. We expect that these draft goals may change, depending on what we learn in our interviews with you and other MAQIP Task Force Members.

We're looking at the following potential interview time windows.

Friday, Jan 5

- 3:30 pm

Monday Jan 8

- 8:30 to noon

- 3:30 to 5:30

Tuesday Jan 9

- 8:30 to 12:30

- 3:30 to 5:30

Wed Jan 10

- 8:30 to 11:30

- 2:30 to 5:30

Thurs Jan 11

- 8:30 to 5:30

Friday Jan 12

- 8:30 to 5:30

Please let us know which of these time windows will work for you.

We look forward to hearing your thoughts and input.

Regards,  
Scott McCreary, Principal  
Meredith Cowart, Associate

--

Scott McCreary, PhD  
Principal  
CONCUR, Inc.  
1832 Second Street  
Berkeley, CA 94710  
(510) 649-8008 / 649-1980 (fax)  
[www.concurinc.com](http://www.concurinc.com)

Message

---

**From:** Meredith Cowart [meredith@concurinc.net]  
**Sent:** 1/11/2018 11:28:27 PM  
**To:** BANDROWSKI, MIKE [Bandrowski.Mike@epa.gov]  
**CC:** Valentine, Stephanie [Valentine.Stephania@epa.gov]; Grow, Richard [Grow.Richard@epa.gov]; Scott McCreary [scott@concurinc.net]  
**Subject:** Fwd: Maritime Air Quality Management Plan (MAQIP) Update: Invitation  
**Attachments:** Project Description\_MAQIP\_Jan 4 2018.docx

Mike,

Per your note above, CONCUR would be happy to schedule a 20-40 minute interview with you and/or Richard and Stephanie as needed in the coming few days. We have the following time slots available:

Friday 1/12

8:30 -10:00

10:45-3:15

Tuesday 1/16

11:30 - 4:30

Wednesday 1/17

8:30 - 4:30

Please identify a half hour window during these times that work for you, and let us know what number we can reach you on (or if you'd like a conference line so that multiple parties can dial in).

Attached please find the "MAQIP Update – Task Force Project Description", with background information and draft goals of the MAQIP Update Task Force. Please keep in mind that we expect that these draft goals may change, depending on what we learn in our interviews with you and other MAQIP Task Force Members.

We look forward to speaking with you.

Regards,

Meredith Cowart, Associate  
Scott McCreary, Principal

----- Forwarded message -----

From: **BANDROWSKI, MIKE** <Bandrowski.Mike@epa.gov>

Date: Thu, Jan 11, 2018 at 2:29 PM

Subject: RE: Maritime Air Quality Management Plan (MAQIP) Update: Invitation

To: "rsinkoff@portoakland.com" <rsinkoff@portoakland.com>, "Zimpfer, Amy" <Zimpfer.Amy@epa.gov>

Cc: Scott McCreary <scott@concurinc.net>, Meredith Cowart <meredith@concurinc.net>, Amy Tharpe <atharpe@portoakland.com>, Laura Arreola <larreola@portoakland.com>, Catherine Mukai

<cmukai@portoakland.com>, "Valentine, Stephanie" <Valentine.Stephania@epa.gov>, "Grow, Richard" <Grow.Richard@epa.gov>, "McDaniel, Penelope" <MCDANIEL.PENELOPE@epa.gov>, "Lakin, Matt"

<[Lakin.Matthew@epa.gov](mailto:Lakin.Matthew@epa.gov)>

Hi Richard,

# Deliberative Process / Ex. 5

Looking forward to working with you.

Mike

**Mike Bandrowski** | Manager, Office of Air Toxics, Radiation and Indoor Air  
U.S. Environmental Protection Agency | Region 9 | Air Division, Air-6 | 75 Hawthorne St |  
San Francisco, CA 94105 | Tel 415.947-4194 | [bandrowski.mike@epa.gov](mailto:bandrowski.mike@epa.gov)

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**From:** Richard Sinkoff [<mailto:rsinkoff@portoakland.com>]

**Sent:** Thursday, January 11, 2018 1:41 PM

**To:** Zimpfer, Amy <[Zimpfer.Amy@epa.gov](mailto:Zimpfer.Amy@epa.gov)>

**Cc:** Scott McCreary <[scott@concurinc.net](mailto:scott@concurinc.net)>; Meredith Cowart <[meredith@concurinc.net](mailto:meredith@concurinc.net)>; Amy Tharpe <[atharpe@portoakland.com](mailto:atharpe@portoakland.com)>; Laura Arreola <[larreola@portoakland.com](mailto:larreola@portoakland.com)>; Catherine Mukai <[cmukai@portoakland.com](mailto:cmukai@portoakland.com)>; Valentine, Stephanie <[Valentine.Stephanie@epa.gov](mailto:Valentine.Stephanie@epa.gov)>; BANDROWSKI, MIKE <[Bandrowski.Mike@epa.gov](mailto:Bandrowski.Mike@epa.gov)>; Grow, Richard <[Grow.Richard@epa.gov](mailto:Grow.Richard@epa.gov)>; McDaniel, Penelope <[MCDANIEL.PENELOPE@EPA.GOV](mailto:MCDANIEL.PENELOPE@EPA.GOV)>; Lakin, Matt <[Lakin.Matthew@epa.gov](mailto:Lakin.Matthew@epa.gov)>

**Subject:** RE: Maritime Air Quality Management Plan (MAQIP) Update: Invitation

Hi Amy,

Thank you and by extension Stephanie, Mike and Richard for their support and participation on the MAQIP Task Force.

As a next step, CONCUR will contact Stephanie.

We look forward to working with the EPA team.

Best,

Richard

---

**From:** Zimpfer, Amy [<mailto:Zimpfer.Amy@epa.gov>]

**Sent:** Thursday, January 11, 2018 11:26 AM

**To:** Richard Sinkoff <[rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com)>

**Cc:** Scott McCreary <[scott@concurinc.net](mailto:scott@concurinc.net)>; Meredith Cowart <[meredith@concurinc.net](mailto:meredith@concurinc.net)>; Amy Tharpe <[atharpe@portoakland.com](mailto:atharpe@portoakland.com)>; Laura Arreola <[larreola@portoakland.com](mailto:larreola@portoakland.com)>; Catherine Mukai <[cmukai@portoakland.com](mailto:cmukai@portoakland.com)>; Valentine, Stephanie <[Valentine.Stephanie@epa.gov](mailto:Valentine.Stephanie@epa.gov)>; BANDROWSKI, MIKE <[Bandrowski.Mike@epa.gov](mailto:Bandrowski.Mike@epa.gov)>; Grow, Richard <[Grow.Richard@epa.gov](mailto:Grow.Richard@epa.gov)>; McDaniel, Penelope <[MCDANIEL.PENELOPE@EPA.GOV](mailto:MCDANIEL.PENELOPE@EPA.GOV)>; Lakin, Matt <[Lakin.Matthew@epa.gov](mailto:Lakin.Matthew@epa.gov)>

**Subject:** RE: Maritime Air Quality Management Plan (MAQIP) Update: Invitation

Hi Richard,

Thank you for the invitation to participate in the updating of the MAQIP. With the MAQIP in its final stage of implementation, it is a good time to work with the community, regulatory agencies and stakeholders to take stock of accomplishments, continuing air pollution issues, and opportunities for additional reductions. We look forward to participating in your effort to update the plan.

To that end, Stephanie Valentine, currently serving as EPA Region 9's Air Division Acting Deputy Director, will represent EPA on the MAQIP Task Force, with Mike Bandrowski as her backup. Stephanie is our lead for air quality issues in the Bay Area, and I believe you know Mike—he is EPA Region 9's Air Toxics, Radiation and Indoor Air Office Chief. Richard Grow will continue to be our staff lead. Stephanie, Mike and Richard can be contacted as follows: [valentine.stephanie@epa.gov](mailto:valentine.stephanie@epa.gov) or 415.972.3014; [bandrowski.mike@epa.gov](mailto:bandrowski.mike@epa.gov) or 415.947.4194; [grow.richard@epa.gov](mailto:grow.richard@epa.gov) or 415.947.4104.

Regards,  
Amy

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**From:** Richard Sinkoff [<mailto:rsinkoff@portoakland.com>]

**Sent:** Thursday, January 04, 2018 5:16 PM

**To:** Zimpfer, Amy <[Zimpfer.Amy@epa.gov](mailto:Zimpfer.Amy@epa.gov)>

**Cc:** Scott McCreary <[scott@concurinc.net](mailto:scott@concurinc.net)>; Meredith Cowart <[meredith@concurinc.net](mailto:meredith@concurinc.net)>; Amy Tharpe <[atharpe@portoakland.com](mailto:atharpe@portoakland.com)>; Laura Arreola <[larreola@portoakland.com](mailto:larreola@portoakland.com)>; Catherine Mukai <[cmukai@portoakland.com](mailto:cmukai@portoakland.com)>

**Subject:** FW: Maritime Air Quality Management Plan (MAQIP) Update: Invitation

Dear Amy,

Happy New Year 2018!

I am writing to invite you to participate in the final updating of the MAQIP. Indeed, we are in the "home stretch" of MAQIP implementation (Years 2018-Year 2020). Based upon the Port's 2015 emissions inventory, MAQIP programs and projects have resulted in a 76% reduction in diesel particulate matter (DPM) over the Year 2005 baseline. This is indeed great progress and we also have more to do. As you recall, the Board committed to an 85% reduction in DPM. The role of the MAQIP Task Force will be primarily to review and discuss emissions reduction measures to achieve the -85% goal.

We are planning three meetings, as follows:

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Friday, February 23, 2018: 10:00 a.m.-2:00 p.m.

Thursday, March 29, 2018: 10:00 a.m.-2:00 p.m.

Scott McCreary, CONCUR, will be following up with you.

We look forward to your anticipated participation.

Sincerely,

Richard

Richard Sinkoff  
Director of Environmental Programs and Planning  
Port of Oakland  
510-627-1182  
[rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com)

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Meredith Cowart  
Associate  
CONCUR, Inc  
[meredith@concurinc.net](mailto:meredith@concurinc.net)  
[www.concurinc.com](http://www.concurinc.com)  
(510) 649-8008

## **Port of Oakland Maritime Air Quality Improvement Plan Update**

**January 4, 2018**

### **Plan Impetus and Structure of the MAQIP Planning Process**

In March 2008, the Port of Oakland (Port) committed to achieving an 85% reduction in seaport-related diesel health risk by 2020 from a 2005 baseline. To support this goal, the Port developed the Maritime Air Quality Improvement Plan (MAQIP) through a comprehensive public stakeholder participation process led by Port staff with the assistance of CONCUR Inc., a Berkeley-based consultancy skilled in facilitating complex environmental agreements and plans. The original MAQIP Task Force (Task Force) of 35 stakeholders represented community members, Port tenants, environmental advocacy groups, air quality and health agencies, and maritime-related businesses. The MAQIP planning process was consultative in nature. The MAQIP represents a twelve-year emissions reduction framework (from Year 2009 through the Year 2020) focused on reducing Port of Oakland-related seaport emissions to contribute to improving public health in West Oakland.

A key tool to track implementation of the MAQIP is the seaport emissions inventory. As a baseline, the Port prepared a comprehensive inventory of pollutant emissions from Port-related ships, harbor craft, cargo-handling equipment, trucks and locomotives in 2005. As new emissions control technologies are introduced in response to regulations and other initiatives taken by the Port, Port business partners, or other groups, the Port has tracked the resulting emissions reductions with respect to the MAQIP goals through quantitative updates to the baseline emissions inventory.

On November 19, 2013, the Port convened a MAQIP Progress Report Meeting to fulfill its commitment to report out on MAQIP implementation progress and to compare the results to the 2012 interim goals and to review likely progress toward the 2020 goals. In this meeting, the Port reported that it was meeting its air quality commitment, implementing projects, and making strong progress in achieving the MAQIP goals set in 2009. Seaport DPM emissions declined as a result of implementation of specific programs, specifically the Comprehensive Truck Management Program (CTMP), terminal improvements to reduce idling of trucks, and the Shore Power Program.

The 2015 Emissions Inventory Update indicated that the Port was on track to meet the clean air commitment the Port made in 2008. Total seaport Diesel Particulate Matter (DPM) emissions are down by -76% with cargo-handling equipment down by -82%, ocean going vessel emissions down by -75% and drayage truck emissions



down by -98%. This progress is significant; however, there remains important work ahead to achieve the -85% goal.

In early 2018, the Port is reconvening the MAQIP Task Force to assist in updating the MAQIP (MAQIP Update). For the 2018 MAQIP Update, the Task Force will work closely with the Port's staff and consultants to review compliance status and progress to date, and recommend emission reduction measures towards the 2020 MAQIP goals.

The Environmental Programs & Planning Department is leading the MAQIP Update. Task Force meetings will provide an opportunity for public comment. Meetings will be agenda-driven with primary deliberations among the Task Force members.

### **Task Force: Roles and Responsibilities**

The draft goals of the Task Force include:

- Build shared knowledge of seaport emissions since the Year 2005 (baseline year);
- Inform participants about 1) MAQIP progress and 2) emissions reduction measures to support MAQIP Diesel Particulate Matter (DPM) and criteria air pollutants emissions reduction goals;
- Identify emissions reduction measures which are commercially available, feasible and cost effective;
- Discuss technology options, partnerships and grant funding opportunities and considerations in support of Year 2020 goals and beyond (i.e., to Year 2030);
- Provide input to the Port on criteria and elements of the Port's proposed Advanced Technology Program ("ATP") to promote State of California Year 2030 greenhouse gas (GHG) reduction goals;
- Recommend emissions reduction measures for consideration by the Board of Port Commissioners in early summer 2018.

### **Task Force: Membership and Structure**

The Task Force will meet in two or three half-day meetings in January-April 2018. Scheduled dates at this time are: (provide dates and times)

CONCUR will prepare a “Key Outcomes Memorandum” following each meeting.

To reconvene the Task Force, the Port and CONCUR are reviewing the original MAQIP Task Force list. Consistent with the original Task Force, members represent: Port customers (maritime tenants and other maritime-related businesses), public agencies (regulatory, policymakers and interagency) and community interests (residential, environmental advocacy, local business and other special interest groups).

**Criteria for Task Force Members:**

- Currently working in the Port of Oakland’s seaport, residing or working in West Oakland (defined geographically as the “3-freeway area” bounded by 880, 980 and 580). Individuals from non-profits, government agencies, businesses, churches, and private organizations conducting work in West Oakland;
- Able to bring first-hand knowledge and perspective to bear on Port of Oakland Maritime Air Quality planning efforts;
- Able to consider local air quality near the Port of Oakland in the context of the broader regulatory framework and goods movement system;
- Willing to express fundamental interests (as opposed to fixed positions) and to clearly convey the interests of one or more stakeholder groups;
- Capable of working collaboratively, seeking to integrate the interests of a broad range of constituencies;
- Committed to completing the MAQIP Task Force work; and
- Able to meet at mutually convenient times.

Message

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**From:** BANDROWSKI, MIKE [Bandrowski.Mike@epa.gov]  
**Sent:** 12/6/2017 12:32:13 AM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** RE: Thursday morning at BAAQMD re West Oakland

Thanks for the update.

**Mike Bandrowski** | Manager, Office of Air Toxics, Radiation and Indoor Air  
U.S. Environmental Protection Agency | Region 9 | Air Division, Air-6 | 75 Hawthorne St |  
San Francisco, CA 94105 | Tel 415.947-4194 | [bandrowski.mike@epa.gov](mailto:bandrowski.mike@epa.gov)

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**From:** Grow, Richard  
**Sent:** Tuesday, December 05, 2017 12:38 PM  
**To:** BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>  
**Cc:** Machol, Ben <Machol.Ben@epa.gov>; McDaniel, Penelope <MCDANIEL.PENELOPE@EPA.GOV>; Israels, Ken <Israels.Ken@epa.gov>  
**Subject:** Thursday morning at BAAQMD re West Oakland

Mike

Thursday morning the BAAQMD Mobile Source Committee is discussing "Update on Efforts to Further Reduce Emissions at the Port of Oakland and Former Oakland Army Base". I plan to attend and may start my day there before coming in here. Attaching the 2 pp staff report, copying Ben and Penny.

A notable quote providing context for the initiative: "...current regional risk projections show that West Oakland remains the most highly impacted community in the Bay Area relative to exposure to toxic air contaminants...."

Thanks

Richard

Message

---

**From:** Donez, Francisco [Donez.Francisco@epa.gov]  
**Sent:** 1/5/2018 6:53:28 PM  
**To:** Zimpfer, Amy [Zimpfer.Amy@epa.gov]; Grow, Richard [Grow.Richard@epa.gov]  
**CC:** McDaniel, Penelope [MCDANIEL.PENELOPE@EPA.GOV]  
**Subject:** RE: Following up RSinkoff email: Scheduling a Port MAQIP Interview-AZimpfer

Thanks, Amy. This is an exciting development. I would like to participate in this internal discussion.

Talk to you soon,  
Francisco

---

**From:** Zimpfer, Amy  
**Sent:** Friday, January 05, 2018 10:39 AM  
**To:** Valentine, Stephanie <Valentine.Stephanie@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>  
**Cc:** Donez, Francisco <Donez.Francisco@epa.gov>; McDaniel, Penelope <MCDANIEL.PENELOPE@EPA.GOV>  
**Subject:** FW: Following up RSinkoff email: Scheduling a Port MAQIP Interview-AZimpfer

FYI/Lets discuss.

Richard,  
When you get back, could you please set up a meeting for you, me, Stephanie, someone from our WCC team and any others you would like to include. We can discuss how to approach this activity going forward.

Thanks!

p.s. Penny/Francisco—I think it'd be good for at least one of you to participate in this initial internal meeting given your leadership roles on ports. Please let us know who between the two of you (You both can if you'd like...)

**From:** Scott McCreary [<mailto:scott@concurinc.net>]  
**Sent:** Friday, January 05, 2018 10:27 AM  
**To:** Zimpfer, Amy <[Zimpfer.Amy@epa.gov](mailto:Zimpfer.Amy@epa.gov)>  
**Cc:** Meredith Cowart <[meredith@concurinc.net](mailto:meredith@concurinc.net)>  
**Subject:** Following up RSinkoff email: Scheduling a Port MAQIP Interview-AZimpfer

Dear Amy,

Following up on the Port of Oakland's January 4, 2018, email, we are contacting you to schedule a brief interview for the MAQIP Update Task Force. We hope to cover the following:

- 1) Your background and interests as they relate to the MAQIP
- 2) Your involvement with past Port of Oakland air quality planning efforts
- 3) Goals of the MAQIP Update
- 4) Role of the MAQIP Task Force members
- 5) Meeting agenda topics

We will use the interviews to help plan the MAQIP Task Force meetings and agendas.

Attached please find the "MAQIP Update – Task Force Project Description", with background information and draft goals of the MAQIP Update Task Force. We expect that these draft

goals may change, depending on what we learn in our interviews with you and other MAQIP Task Force Members.

We're looking at the following potential interview time windows.

Friday, Jan 5

- 3:30 pm

Monday Jan 8

- 8:30 to noon

- 3:30 to 5:30

Tuesday Jan 9

- 8:30 to 12:30

- 3:30 to 5:30

Wed Jan 10

- 8:30 to 11:30

- 2:30 to 5:30

Thurs Jan 11

- 8:30 to 5:30

Friday Jan 12

- 8:30 to 5:30

Please let us know which of these time windows will work for you.

We look forward to hearing your thoughts and input.

Regards,  
Scott McCreary, Principal  
Meredith Cowart, Associate

--

Scott McCreary, PhD  
Principal  
CONCUR, Inc.  
1832 Second Street  
Berkeley, CA 94710  
(510) 649-8008 / 649-1980 (fax)  
[www.concurinc.com](http://www.concurinc.com)

Message

---

**From:** Margaret Gordo **Personal Address / Ex. 6**  
**Sent:** 12/14/2017 1:41:05 AM  
**To:** Grow, Richard [Grow.Richard@epa.gov]; dvintze@baaqmd.gov; Alison Kirk [AKirk@baaqmd.gov]; Lee, Anna, Public Health, CAPE [Anna.Lee@acgov.org]  
**Subject:** Fwd: Notice of City Administrator Approval of Air Quality Plan for Construction at the Southeast and Central Gateway sites at the Oakland Army Base

FYI,

Ms.M

----- Forwarded message -----

**From:** McGowan, Patricia <PMcGowan@oaklandnet.com>  
**Date:** Wed, Dec 13, 2017 at 4:07 PM  
**Subject:** Notice of City Administrator Approval of Air Quality Plan for Construction at the Southeast and Central Gateway sites at the Oakland Army Base

December 13, 2017

Dear Oakland Army Base Air Quality Stakeholders:

On November 30, 2017, the Oakland City Administrator approved the Air Quality Plan for Construction at the Southeast and Central Gateway sites prepared by the site developer, Prologis.

In response to public comments submitted on the draft Plan, version dated August 3, 2017, Prologis submitted a revised Plan. The final revised and approved Plan, version dated October 16, 2017, is available on the City's website:

<http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak068166.pdf>

The City Administrator's approval is also located on the City's website:

<http://www2.oaklandnet.com/oakca1/groups/ceda/documents/report/oak068167.pdf>

This report contains the following attachments:

- A. Initial draft Plan (version dated August 3, 2017)
- B. Public comments received during the comment period.
- C. Revised and approved Plan (version dated October 16, 2017)

- D. City response to public comment letters (dated October 30, 2017)
- E. Letter from Mitchell Air Quality consultant (dated October 6, 2017)
- F. Summary of the California Air Resources Board Truck and Bus Rule.
- G. Construction Management Plan for Construction of Southeast and Central Gateway sites (dated October 23, 2017)

As required by the Standard Conditions of Approval/Mitigation Monitoring and Reporting Program for the Army Base project, there will be an informational presentation of the approved Air Quality Plan to the Oakland City Council within 90 days of the City Administrator's approval. The City will provide notice to the Army Base Air Quality Stakeholders when the City Council meeting is scheduled.

Please contact me if you have any questions at [510-238-3588](tel:510-238-3588) or [pmcgowan@oaklandnet.com](mailto:pmcgowan@oaklandnet.com).

Best Regards,

Patricia McGowan

**Patricia McGowan**, Environmental Coordinator | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: [\(510\) 238-3588](tel:510-238-3588) | Fax: (510) 238-6538 | Email: [PMcGowan@oaklandnet.com](mailto:PMcGowan@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

--

Ms. Margaret Gordon/Co-Director  
West Oakland Environmental Indicators Project  
349 Mandela Parkway  
Oakland, CA 94607  
Personal Address / Ex. 6 direct line  
[www.wocip.org](http://www.wocip.org)

Message

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**From:** Zimpfer, Amy [Zimpfer.Amy@epa.gov]  
**Sent:** 1/5/2018 6:44:40 PM  
**To:** Valentine, Stephanie [Valentine.Stephanie@epa.gov]; Donez, Francisco [Donez.Francisco@epa.gov]; McDaniel, Penelope [MCDANIEL.PENELOPE@EPA.GOV]  
**CC:** Grow, Richard [Grow.Richard@epa.gov]; BANDROWSKI, MIKE [Bandrowski.Mike@epa.gov]  
**Subject:** FW: Maritime Air Quality Management Plan (MAQIP) Update: Invitation

More on this...

Given this is in the Bay Area, I am assuming Stephanie will have the lead. I can help transitioning.

---

**From:** Richard Sinkoff [mailto:rsinkoff@portoakland.com]  
**Sent:** Thursday, January 04, 2018 5:16 PM  
**To:** Zimpfer, Amy <Zimpfer.Amy@epa.gov>  
**Cc:** Scott McCreary <scott@concurinc.net>; Meredith Cowart <meredith@concurinc.net>; Amy Tharpe <atharpe@portoakland.com>; Laura Arreola <larreola@portoakland.com>; Catherine Mukai <cmukai@portoakland.com>  
**Subject:** FW: Maritime Air Quality Management Plan (MAQIP) Update: Invitation

Dear Amy,

Happy New Year 2018!

I am writing to invite you to participate in the final updating of the MAQIP. Indeed, we are in the "home stretch" of MAQIP implementation (Years 2018-Year 2020). Based upon the Port's 2015 emissions inventory, MAQIP programs and projects have resulted in a 76% reduction in diesel particulate matter (DPM) over the Year 2005 baseline. This is indeed great progress and we also have more to do. As you recall, the Board committed to an 85% reduction in DPM. The role of the MAQIP Task Force will be primarily to review and discuss emissions reduction measures to achieve the -85% goal.

We are planning three meetings, as follows:

Friday, January 26, 2018: 10:00 a.m.-2:00 p.m.  
Friday, February 23, 2018: 10:00 a.m.-2:00 p.m.  
Thursday, March 29, 2018: 10:00 a.m.-2:00 p.m.

Scott McCreary, CONCUR, will be following up with you.

We look forward to your anticipated participation.

Sincerely,

Richard

Richard Sinkoff  
Director of Environmental Programs and Planning  
Port of Oakland  
510-627-1182  
[rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com)





Message

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**From:** BANDROWSKI, MIKE [Bandrowski.Mike@epa.gov]  
**Sent:** 1/11/2018 10:36:32 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]; Valentine, Stephanie [Valentine.Stephanie@epa.gov]  
**Subject:** RE: Maritime Air Quality Management Plan (MAQIP) Update: Invitation

Thanks Richard. I modified it a bit and sent it out.

**Mike Bandrowski** | Manager, Office of Air Toxics, Radiation and Indoor Air  
U.S. Environmental Protection Agency | Region 9 | Air Division, Air-6 | 75 Hawthorne St |  
San Francisco, CA 94105 | Tel 415.947-4194 | [bandrowski.mike@epa.gov](mailto:bandrowski.mike@epa.gov)

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**From:** Grow, Richard  
**Sent:** Thursday, January 11, 2018 11:46 AM  
**To:** Valentine, Stephanie <Valentine.Stephanie@epa.gov>; BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>  
**Subject:** FW: Maritime Air Quality Management Plan (MAQIP) Update: Invitation

# Deliberative Process / Ex. 5

S.

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**From:** Zimpfer, Amy  
**Sent:** Thursday, January 11, 2018 11:26 AM  
**To:** [rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com)  
**Cc:** Scott McCreary <[scott@concurinc.net](mailto:scott@concurinc.net)>; Meredith Cowart <[meredith@concurinc.net](mailto:meredith@concurinc.net)>; Amy Tharpe <[atharpe@portoakland.com](mailto:atharpe@portoakland.com)>; Laura Arreola <[larreola@portoakland.com](mailto:larreola@portoakland.com)>; Catherine Mukai <[cmukai@portoakland.com](mailto:cmukai@portoakland.com)>; Valentine, Stephanie <[Valentine.Stephanie@epa.gov](mailto:Valentine.Stephanie@epa.gov)>; BANDROWSKI, MIKE <[Bandrowski.Mike@epa.gov](mailto:Bandrowski.Mike@epa.gov)>; Grow, Richard <[Grow.Richard@epa.gov](mailto:Grow.Richard@epa.gov)>; McDaniel, Penelope <[MCDANIEL.PENELOPE@EPA.GOV](mailto:MCDANIEL.PENELOPE@EPA.GOV)>; Lakin, Matt <[Lakin.Matthew@epa.gov](mailto:Lakin.Matthew@epa.gov)>  
**Subject:** RE: Maritime Air Quality Management Plan (MAQIP) Update: Invitation

001140 2020-10-29

Hi Richard,

Thank you for the invitation to participate in the updating of the MAQIP. With the MAQIP in its final stage of implementation, it is a good time to work with the community, regulatory agencies and stakeholders to take stock of accomplishments, continuing air pollution issues, and opportunities for additional reductions. We look forward to participating in your effort to update the plan.

To that end, Stephanie Valentine, currently serving as EPA Region 9's Air Division Acting Deputy Director, will represent EPA on the MAQIP Task Force, with Mike Bandrowski as her backup. Stephanie is our lead for air quality issues in the Bay Area, and I believe you know Mike—he is EPA Region 9's Air Toxics, Radiation and Indoor Air Office Chief. Richard Grow will continue to be our staff lead. Stephanie, Mike and Richard can be contacted as follows: [valentine.stephanie@epa.gov](mailto:valentine.stephanie@epa.gov) or 415.972.3014; [bandrowski.mike@epa.gov](mailto:bandrowski.mike@epa.gov) or 415.947.4194; [grow.richard@epa.gov](mailto:grow.richard@epa.gov) or 415.947.4104.

Regards,  
Amy

---

**From:** Richard Sinkoff [<mailto:rsinkoff@portoakland.com>]

**Sent:** Thursday, January 04, 2018 5:16 PM

**To:** Zimpfer, Amy <[Zimpfer.Amy@epa.gov](mailto:Zimpfer.Amy@epa.gov)>

**Cc:** Scott McCreary <[scott@concurinc.net](mailto:scott@concurinc.net)>; Meredith Cowart <[meredith@concurinc.net](mailto:meredith@concurinc.net)>; Amy Tharpe <[atharpe@portoakland.com](mailto:atharpe@portoakland.com)>; Laura Arreola <[larreola@portoakland.com](mailto:larreola@portoakland.com)>; Catherine Mukai <[cmukai@portoakland.com](mailto:cmukai@portoakland.com)>

**Subject:** FW: Maritime Air Quality Management Plan (MAQIP) Update: Invitation

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Richard Sinkoff

001141 2020-10-29

Director of Environmental Programs and Planning  
Port of Oakland  
510-627-1182  
[rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com)

Message

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**From:** Zimpfer, Amy [Zimpfer.Amy@epa.gov]  
**Sent:** 1/5/2018 6:38:52 PM  
**To:** Valentine, Stephanie [Valentine.Stephanie@epa.gov]; Grow, Richard [Grow.Richard@epa.gov]  
**CC:** Donez, Francisco [Donez.Francisco@epa.gov]; McDaniel, Penelope [MCDANIEL.PENELOPE@EPA.GOV]  
**Subject:** FW: Following up RSinkoff email: Scheduling a Port MAQIP Interview-AZimpfer  
**Attachments:** Project Description\_MAQIP\_Jan 4 2018.docx

FYI/Lets discuss.

Richard,

When you get back, could you please set up a meeting for you, me, Stephanie, someone from our WCC team and any others you would like to include. We can discuss how to approach this activity going forward.

Thanks!

p.s. Penny/Francisco—I think it'd be good for at least one of you to participate in this initial internal meeting given your leadership roles on ports. Please let us know who between the two of you (You both can if you'd like...)

**From:** Scott McCreary [mailto:scott@concurinc.net]  
**Sent:** Friday, January 05, 2018 10:27 AM  
**To:** Zimpfer, Amy <Zimpfer.Amy@epa.gov>  
**Cc:** Meredith Cowart <meredith@concurinc.net>  
**Subject:** Following up RSinkoff email: Scheduling a Port MAQIP Interview-AZimpfer

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- 5) Meeting agenda topics

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Attached please find the "MAQIP Update – Task Force Project Description", with background information and draft goals of the MAQIP Update Task Force. We expect that these draft goals may change, depending on what we learn in our interviews with you and other MAQIP Task Force Members.

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Thurs Jan 11

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Friday Jan 12

- 8:30 to 5:30

Please let us know which of these time windows will work for you.

We look forward to hearing your thoughts and input.

Regards,  
Scott McCreary, Principal  
Meredith Cowart, Associate

--

Scott McCreary, PhD  
Principal  
CONCUR, Inc.  
1832 Second Street  
Berkeley, CA 94710  
(510) 649-8008 / 649-1980 (fax)  
[www.concurinc.com](http://www.concurinc.com)

## **Port of Oakland Maritime Air Quality Improvement Plan Update**

**January 4, 2018**

### **Plan Impetus and Structure of the MAQIP Planning Process**

In March 2008, the Port of Oakland (Port) committed to achieving an 85% reduction in seaport-related diesel health risk by 2020 from a 2005 baseline. To support this goal, the Port developed the Maritime Air Quality Improvement Plan (MAQIP) through a comprehensive public stakeholder participation process led by Port staff with the assistance of CONCUR Inc., a Berkeley-based consultancy skilled in facilitating complex environmental agreements and plans. The original MAQIP Task Force (Task Force) of 35 stakeholders represented community members, Port tenants, environmental advocacy groups, air quality and health agencies, and maritime-related businesses. The MAQIP planning process was consultative in nature. The MAQIP represents a twelve-year emissions reduction framework (from Year 2009 through the Year 2020) focused on reducing Port of Oakland-related seaport emissions to contribute to improving public health in West Oakland.

A key tool to track implementation of the MAQIP is the seaport emissions inventory. As a baseline, the Port prepared a comprehensive inventory of pollutant emissions from Port-related ships, harbor craft, cargo-handling equipment, trucks and locomotives in 2005. As new emissions control technologies are introduced in response to regulations and other initiatives taken by the Port, Port business partners, or other groups, the Port has tracked the resulting emissions reductions with respect to the MAQIP goals through quantitative updates to the baseline emissions inventory.

On November 19, 2013, the Port convened a MAQIP Progress Report Meeting to fulfill its commitment to report out on MAQIP implementation progress and to compare the results to the 2012 interim goals and to review likely progress toward the 2020 goals. In this meeting, the Port reported that it was meeting its air quality commitment, implementing projects, and making strong progress in achieving the MAQIP goals set in 2009. Seaport DPM emissions declined as a result of implementation of specific programs, specifically the Comprehensive Truck Management Program (CTMP), terminal improvements to reduce idling of trucks, and the Shore Power Program.

The 2015 Emissions Inventory Update indicated that the Port was on track to meet the clean air commitment the Port made in 2008. Total seaport Diesel Particulate Matter (DPM) emissions are down by -76% with cargo-handling equipment down by -82%, ocean going vessel emissions down by -75% and drayage truck emissions

down by -98%. This progress is significant; however, there remains important work ahead to achieve the -85% goal.

In early 2018, the Port is reconvening the MAQIP Task Force to assist in updating the MAQIP (MAQIP Update). For the 2018 MAQIP Update, the Task Force will work closely with the Port's staff and consultants to review compliance status and progress to date, and recommend emission reduction measures towards the 2020 MAQIP goals.

The Environmental Programs & Planning Department is leading the MAQIP Update. Task Force meetings will provide an opportunity for public comment. Meetings will be agenda-driven with primary deliberations among the Task Force members.

### **Task Force: Roles and Responsibilities**

The draft goals of the Task Force include:

- Build shared knowledge of seaport emissions since the Year 2005 (baseline year);
- Inform participants about 1) MAQIP progress and 2) emissions reduction measures to support MAQIP Diesel Particulate Matter (DPM) and criteria air pollutants emissions reduction goals;
- Identify emissions reduction measures which are commercially available, feasible and cost effective;
- Discuss technology options, partnerships and grant funding opportunities and considerations in support of Year 2020 goals and beyond (i.e., to Year 2030);
- Provide input to the Port on criteria and elements of the Port's proposed Advanced Technology Program ("ATP") to promote State of California Year 2030 greenhouse gas (GHG) reduction goals;
- Recommend emissions reduction measures for consideration by the Board of Port Commissioners in early summer 2018.

### **Task Force: Membership and Structure**

The Task Force will meet in two or three half-day meetings in January-April 2018. Scheduled dates at this time are: (provide dates and times)



CONCUR will prepare a “Key Outcomes Memorandum” following each meeting.

To reconvene the Task Force, the Port and CONCUR are reviewing the original MAQIP Task Force list. Consistent with the original Task Force, members represent: Port customers (maritime tenants and other maritime-related businesses), public agencies (regulatory, policymakers and interagency) and community interests (residential, environmental advocacy, local business and other special interest groups).

**Criteria for Task Force Members:**

- Currently working in the Port of Oakland’s seaport, residing or working in West Oakland (defined geographically as the “3-freeway area” bounded by 880, 980 and 580). Individuals from non-profits, government agencies, businesses, churches, and private organizations conducting work in West Oakland;
- Able to bring first-hand knowledge and perspective to bear on Port of Oakland Maritime Air Quality planning efforts;
- Able to consider local air quality near the Port of Oakland in the context of the broader regulatory framework and goods movement system;
- Willing to express fundamental interests (as opposed to fixed positions) and to clearly convey the interests of one or more stakeholder groups;
- Capable of working collaboratively, seeking to integrate the interests of a broad range of constituencies;
- Committed to completing the MAQIP Task Force work; and
- Able to meet at mutually convenient times.

Message

---

**From:** Gregory H. Nudd [gnudd@baaqmd.gov]  
**Sent:** 1/11/2018 10:28:27 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** RE: Talk briefly re MAQIP Friday afternoon after AB617 ?

Richard,

That works for me. Let's talk tomorrow.

Greg

---

**From:** Grow, Richard [mailto:Grow.Richard@epa.gov]  
**Sent:** Thursday, January 11, 2018 12:59 PM  
**To:** Gregory H. Nudd <gnudd@baaqmd.gov>  
**Subject:** Talk briefly re MAQIP Friday afternoon after AB617 ?

Greg

Following up on the exchange below, is there any chance you will have a few minutes following the AB617 meeting at your office tomorrow afternoon (1-2:30) to talk briefly about the MAQIP ? My manager Mike Bandrowski, who will be at the AB617 meeting, and I will be participating on the MAQIP task force once it regroups, and are hoping to have some interagency discussion (BAAQMD, ARB, Alameda County Public Health and EPA/R9) before heading into the MAQIP process. I'm attaching the WOEIP's set of concerns which they gave to the Port in a meeting this past Monday morning.

Thanks

Richard  
Office: (415) 947-4104

**Personal Matters / Ex. 6**

---

**From:** Grow, Richard  
**Sent:** Wednesday, January 10, 2018 8:08 AM  
**To:** 'Jack Broadbent' <jack@baaqmd.gov>  
**Cc:** dbreen@baaqmd.gov; Gregory H. Nudd <gnudd@baaqmd.gov>  
**Subject:** RE: Urgent questions on MAQIP

Jack

Thank you, very encouraging. We're meeting this afternoon to figure out who our management rep will be. Last time it was Amy Zimpfer as the AD with geographic responsibility for the Bay Area, but that's changed, and once we get our new Regional Administrator there will likely further changes. BTW several of us are headed over to your office Friday afternoon to discuss AB617 with Greg and others, with ARB and CalEPA likely dialing in.

Richard

---

**From:** Jack Broadbent [mailto:jack@baaqmd.gov]  
**Sent:** Tuesday, January 09, 2018 9:44 PM  
**To:** Grow, Richard <Grow.Richard@epa.gov>

Cc: [dbreen@baaqmd.gov](mailto:dbreen@baaqmd.gov); Gregory H. Nudd <[gnudd@baaqmd.gov](mailto:gnudd@baaqmd.gov)>

Subject: Re: Urgent questions on MAQIP

Richard,

I will personally participate on the MAQIP Steering group, but as far as our staff contact, I would coordinate with Greg Nudd of the District. I asked to be on the invite list specifically because of the concerns from community members about reconvening this group. I do think the interagency representatives should talk before the first meeting of the MAQIP. We should also talk about our recent discussions with the Port re: projects and related issues.

Jack

Get Outlook for iOS

---

From: Grow, Richard <[grow.richard@epa.gov](mailto:grow.richard@epa.gov)>

Sent: Tuesday, January 9, 2018 7:51 PM

Subject: Urgent questions on MAQIP

To: Jack Broadbent <[jack@baaqmd.gov](mailto:jack@baaqmd.gov)>

Cc: Damian Breen <[dbreen@baaqmd.gov](mailto:dbreen@baaqmd.gov)>, Gregory H. Nudd <[gnudd@baaqmd.gov](mailto:gnudd@baaqmd.gov)>

Jack (cc Damian and Greg)

We have just recently been contacted by the Port of Oakland's contractor about reconvening the MAQIP Task Force. Even though we had been hearing about this via WOEIP for some time, details had been at best very scarce. At the same time we are aware that the last round of MAQIP (2009) concluded amidst significant dissatisfaction among the "interagency" group which included your and our agencies as well as CARB and ACPH, that dissatisfaction being well memorialized in a subsequent port-funded evaluation report by Viveka Chen. We are also aware that the WOEIP has voiced concerns about this reconvening which have yet to be responded to by the Port. Finally, it is our understanding that the first of very few planned meetings under this reconvened process has been set for January 25 or 26th.

Could you please let us know whom at your office we should be talking to and coordinating with regarding this effort. Any thoughts on whether the schedule and process for this is already set in stone would also be welcome. Finally, please consider whether it might be useful for the member agencies of the "interagency work group" from the 2008-9 effort to talk prior to the formal launch of this effort.

Thanks again,

Richard

Message

---

**From:** Margaret Gordon **Personal Address / Ex. 6**  
**Sent:** 12/14/2017 12:45:12 AM  
**To:** wgilchrist@oaklandnet.com; ameekins@oaklandnet.com; Brian Beveridge [brianwoeip@gmail.com]  
**CC:** Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** Setting a date to meeting to review air data and other document relate to Truck Managment Plan

Dear Director Gilchrist,

Per our conversation at Margetta Lin Birthday Party, WOEIP and members of West Oakland Toxic Reduction Collaborative request a meeting hopefully before Christmas that we could review the following items:

1. Air Mapping Data from EDF/UC Berkeley
2. Evaluation Report of the MAQIP (Maritime Air Quality Improve Plan of the Port of Oakland
3. Title 6 Civil Right Complain

Please reply with your availability and with look forward to bring you update.

Ms.Margaret Gordon

--

Ms. Margaret Gordon/Co-Director  
West Oakland Environmental Indicators Project

349 Mandela Parkway  
Oakland, CA 94607  
**Personal Address / Ex. 6** Direct line  
[www.woeip.org](http://www.woeip.org)

Message

---

**From:** Zimpfer, Amy [Zimpfer.Amy@epa.gov]  
**Sent:** 1/5/2018 2:51:26 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**CC:** Valentine, Stephanie [Valentine.Stephanie@epa.gov]  
**Subject:** Fwd: Maritime Air Quality Management Plan (MAQIP) Update: Invitation

Hi Richard,  
What do you know about this?  
Amy

Amy Zimpfer, Associate Director  
USEPA, Region 9, Air Division  
[zimpfer.amy@epa.gov](mailto:zimpfer.amy@epa.gov)  
+1 415.947.4146

Sent from my iPhone

Begin forwarded message:

**From:** Richard Sinkoff <[rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com)>  
**Date:** January 4, 2018 at 5:15:33 PM PST  
**To:** "zimpfer.amy@epa.gov" <[zimpfer.amy@epa.gov](mailto:zimpfer.amy@epa.gov)>  
**Cc:** Scott McCreary <[scott@concurinc.net](mailto:scott@concurinc.net)>, Meredith Cowart <[meredith@concurinc.net](mailto:meredith@concurinc.net)>, Amy Tharpe <[atharpe@portoakland.com](mailto:atharpe@portoakland.com)>, Laura Arreola <[larreola@portoakland.com](mailto:larreola@portoakland.com)>, Catherine Mukai <[cmukai@portoakland.com](mailto:cmukai@portoakland.com)>  
**Subject:** FW: Maritime Air Quality Management Plan (MAQIP) Update: Invitation

Dear Amy,

Happy New Year 2018!

I am writing to invite you to participate in the final updating of the MAQIP. Indeed, we are in the "home stretch" of MAQIP implementation (Years 2018-Year 2020). Based upon the Port's 2015 emissions inventory, MAQIP programs and projects have resulted in a 76% reduction in diesel particulate matter (DPM) over the Year 2005 baseline. This is indeed great progress and we also have more to do. As you recall, the Board committed to an 85% reduction in DPM. The role of the MAQIP Task Force will be primarily to review and discuss emissions reduction measures to achieve the -85% goal.

We are planning three meetings, as follows:

Friday, January 26, 2018: 10:00 a.m.-2:00 p.m.  
Friday, February 23, 2018: 10:00 a.m.-2:00 p.m.  
Thursday, March 29, 2018: 10:00 a.m.-2:00 p.m.

Scott McCreary, CONCUR, will be following up with you.

We look forward to your anticipated participation.

Sincerely,

Richard

Richard Sinkoff  
Director of Environmental Programs and Planning  
Port of Oakland  
510-627-1182  
[rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com)

Message

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**From:** Richard Sinkoff [rsinkoff@portoakland.com]  
**Sent:** 1/11/2018 9:41:29 PM  
**To:** Zimpfer, Amy [Zimpfer.Amy@epa.gov]  
**CC:** Scott McCreary [scott@concurinc.net]; Meredith Cowart [meredith@concurinc.net]; Amy Tharpe [atharpe@portoakland.com]; Laura Arreola [larreola@portoakland.com]; Catherine Mukai [cmukai@portoakland.com]; Valentine, Stephanie [Valentine.Stephanie@epa.gov]; BANDROWSKI, MIKE [Bandrowski.Mike@epa.gov]; Grow, Richard [Grow.Richard@epa.gov]; McDaniel, Penelope [MCDANIEL.PENELOPE@EPA.GOV]; Lakin, Matt [Lakin.Matthew@epa.gov]  
**Subject:** RE: Maritime Air Quality Management Plan (MAQIP) Update: Invitation

Hi Amy,

Thank you and by extension Stephanie, Mike and Richard for their support and participation on the MAQIP Task Force.

As a next step, CONCUR will contact Stephanie.

We look forward to working with the EPA team.

Best,

Richard

---

**From:** Zimpfer, Amy [mailto:Zimpfer.Amy@epa.gov]  
**Sent:** Thursday, January 11, 2018 11:26 AM  
**To:** Richard Sinkoff <rsinkoff@portoakland.com>  
**Cc:** Scott McCreary <scott@concurinc.net>; Meredith Cowart <meredith@concurinc.net>; Amy Tharpe <atharpe@portoakland.com>; Laura Arreola <larreola@portoakland.com>; Catherine Mukai <cmukai@portoakland.com>; Valentine, Stephanie <Valentine.Stephanie@epa.gov>; BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>; McDaniel, Penelope <MCDANIEL.PENELOPE@EPA.GOV>; Lakin, Matt <Lakin.Matthew@epa.gov>  
**Subject:** RE: Maritime Air Quality Management Plan (MAQIP) Update: Invitation

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To that end, Stephanie Valentine, currently serving as EPA Region 9's Air Division Acting Deputy Director, will represent EPA on the MAQIP Task Force, with Mike Bandrowski as her backup. Stephanie is our lead for air quality issues in the Bay Area, and I believe you know Mike—he is EPA Region 9's Air Toxics, Radiation and Indoor Air Office Chief. Richard Grow will continue to be our staff lead. Stephanie, Mike and Richard can be contacted as follows: [valentine.stephanie@epa.gov](mailto:valentine.stephanie@epa.gov) or 415.972.3014; [bandrowski.mike@epa.gov](mailto:bandrowski.mike@epa.gov) or 415.947.4194; [grow.richard@epa.gov](mailto:grow.richard@epa.gov) or 415.947.4104.

Regards,  
Amy

---

**From:** Richard Sinkoff [mailto:rsinkoff@portoakland.com]  
**Sent:** Thursday, January 04, 2018 5:16 PM  
**To:** Zimpfer, Amy <Zimpfer.Amy@epa.gov>  
**Cc:** Scott McCreary <scott@concurinc.net>; Meredith Cowart <meredith@concurinc.net>; Amy Tharpe <atharpe@portoakland.com>; Laura Arreola <larreola@portoakland.com>; Catherine Mukai

<cmukai@portoakland.com>

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We look forward to your anticipated participation.

Sincerely,

Richard

Richard Sinkoff  
Director of Environmental Programs and Planning  
Port of Oakland  
510-627-1182  
[rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com)



Message

---

**From:** Zimpfer, Amy [Zimpfer.Amy@epa.gov]  
**Sent:** 1/11/2018 7:25:45 PM  
**To:** rsinkoff@portoakland.com  
**CC:** Scott McCreary [scott@concurinc.net]; Meredith Cowart [meredith@concurinc.net]; Amy Tharpe [atharpe@portoakland.com]; Laura Arreola [larreola@portoakland.com]; Catherine Mukai [cmukai@portoakland.com]; Valentine, Stephanie [Valentine.Stephanie@epa.gov]; BANDROWSKI, MIKE [Bandrowski.Mike@epa.gov]; Grow, Richard [Grow.Richard@epa.gov]; McDaniel, Penelope [MCDANIEL.PENELOPE@EPA.GOV]; Lakin, Matt [Lakin.Matthew@epa.gov]  
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Regards,  
Amy

---

**From:** Richard Sinkoff [mailto:rsinkoff@portoakland.com]  
**Sent:** Thursday, January 04, 2018 5:16 PM  
**To:** Zimpfer, Amy <Zimpfer.Amy@epa.gov>  
**Cc:** Scott McCreary <scott@concurinc.net>; Meredith Cowart <meredith@concurinc.net>; Amy Tharpe <atharpe@portoakland.com>; Laura Arreola <larreola@portoakland.com>; Catherine Mukai <cmukai@portoakland.com>  
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We look forward to your anticipated participation.

Sincerely,

Richard

Richard Sinkoff  
Director of Environmental Programs and Planning  
Port of Oakland  
510-627-1182  
[rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com)

Message

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**From:** Israels, Ken [Israels.Ken@epa.gov]  
**Sent:** 1/11/2018 1:53:59 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** Daily Environment Report on CARB settlement with SSA regarding port equipment in LA and Oakland

[http://news.bna.com/deln/DELNWB/split\\_display.adp?fedfid=126673361&vname=denotallissues&fn=126673361&id=126673361](http://news.bna.com/deln/DELNWB/split_display.adp?fedfid=126673361&vname=denotallissues&fn=126673361&id=126673361)

Message

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**From:** Brian Beveridge [mailto:Personal Address / Ex. 6]  
**Sent:** 1/11/2018 3:39:35 AM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**CC:** Margaret Gordon [Personal Address / Ex. 6]  
**Subject:** RE: MAQIP meeting with Port and Concur today

We support anything that potentially slows the port's roll, adds transparency and inserts measurable actions into the plan. How can we involve USDOT so they get to experience our universal gut pain in dealing with the port?  
Brian

On Jan 10, 2018 12:56 PM, "Grow, Richard" <Grow.Richard@epa.gov> wrote:

Thanks, very helpful. I think there is support for reconvening the interagency group before the first TF meeting, may even have own set of conditions. ARB wasn't invited this time though participated via IWG (not TF itself) last time.

**From:** Brian Beveridge [mailto:Personal Address / Ex. 6]  
**Sent:** Tuesday, January 09, 2018 6:21 PM  
**To:** Lee, Anna, Public Health, OOD <Anna.Lee@acgov.org>  
**CC:** Margaret Gordon [Personal Address / Ex. 6] Grow, Richard <Grow.Richard@epa.gov>  
**Subject:** Re: MAQIP meeting with Port and Concur today

They basically are reconstructing the original co-chair format. WOEIP, Andy Garcia (GSC Logistics), BAAQMD (Jack Broadbent), and the Port. The health department was in the advisory committee, but in this case should be a member of the Task Force. The first meeting is intended for January 26, 10 to 2pm. Then end of Feb and end of March.

We need to revive MG's social justice breakfast committee to coordinate our participation.

Brian

On Jan 9, 2018 11:20 AM, "Lee, Anna, Public Health, OOD" <Anna.Lee@acgov.org> wrote:

Thanks Brian. Three hours is a long meeting! So did they agree to EIP as Co-chairs?

Also is the first meeting set? I haven't received any invitations. Maybe they sent it to Muntu.

Anna Lee  
Local Policy Coordinator  
Alameda County Public Health Department  
1000 Broadway, Suite 500  
Oakland, CA 94607

Sent from my iPhone

On Jan 8, 2018, at 6:31 PM, Brian Beveridge wrote:

**Personal Address / Ex. 6**

Hi all

Ms. M being sick with the flu, I took the meeting with Sinkhoff, Arreola, and a new staff person Catherine Mukai (who used to work for Environ.) Mukai appears to have been brought in as part of a series of new hires in the environmental department.

We spent more than 3 hours, the first hour absorbed by Sinkhoff's usual "framing" comments. He included that they are reassembling the original Co-Chairs to head the update meetings. After his lengthy verbal presentation I had a few questions based on their "draft" goals for the MAQIP update. None of my questions were answered specifically, but everyone took notes.

1. How will new data sets from on the ground research be integrated into the Port's emissions inventory? Sinkhoff says that they are continuing to improve the inventory with new analysis and input from the Air District. He emphasized again that they are using the "State's model" for emissions modeling.
2. Regarding the identification of emission reduction measures that are "commercially available, feasible and cost effective," I asked how the Port would intend to actually implement such measures. Richard talked about the difficulties of getting voluntary action from their tenants and business partners. I told him that we expect more proactive pressure from the port to get these things done.
3. I asked about the timetable for updating the MAQIP. It is "every two or three years." They said that they had done a review (that I participated in apparently) in 2015. I clarified, and they agreed, that it was not a reassessment, but simply a success report.

Richard said they are under time pressure to get the update finished by April so that they can submit specific grant intentions in the budget for the new fiscal year. I told them they should be budgeting for program dollars and grant application over multiple years, because the grant funds come up every year. What they can't do this year they should be planning to do next year, and so forth. I pushed hard for an actual "plan." Scott, of Concur, rephrased my request as an "adaptive management plan," that does reassessment and strategies on a schedule of action. I said, yes, that sounds like what we, and all the agencies, wanted in the first place. Sinkhoff said the Port CFO wants a tangible plan for Port budgeting (not a wish list), and I said we basically agree.

4. After Sinkhoff stated that the original MAQIP had three broad goals: early action, regulatory compliance, and actions above and beyond compliance, I asked that they report on how they have addressed items 1 and 3. Since we already expect them to obey the law and comply with established regs.

Sinkhoff made a big point about their great success in reducing their "on land" emissions, and said that the big problem is ship pollution that happens before the ships get to the dock. I pointed out that the Robert Harley studies show approximately 76% reductions in drayage fleet emissions (not 98%) and that it appears that 8% - 10% of trucks are out of compliance and heavy polluters. I suggested that the port should devise a way to find those trucks and get them compliant.

I also said that achieving the goals of 85% reduction by 2020 is great, they should do what they said they would do (i.e. be compliant), that does not preclude incorporating newer technology to maybe replace diesel altogether in some cargo handling activities, sooner than the new 2030 targets. It's obvious that they are striving to achieve 2020 compliance, rather than look seriously toward zero emissions and electrification.

Lastly, I reminded them all of the Port Commission's history of ignoring staff recommendations about environmental mitigation, like the fight over the \$5 million for the truck plan, and the refusal to pass container fees even after Omar Benjamin showed that such fees would not harm business, i.e. the Elasticity Study done back when. I said that we need some kind of commitment to action by the Commission before we do all this work for nothing.

I asked when the first Co-chair's meeting would be, and they said they had not thought about the need for the Co-chairs to meeting in advance of the main meetings. I said it didn't make sense for us not to confer on agendas and consensus issues prior to engaging the entire Task Force. We made tentative plans for the first Co-chairs meeting on Jan. 18, at 10AM.

I never said we would not participate, but I did say we need a response by next week to the terms of engagement memo that I shared with all of you. They raised a question about participation by USDOT, since they were not an original stakeholder. I said USDOT could experience the process for themselves, or Richard could interpret the process and report to DOT via the inter agency working group. Sinkhoff said, "it's a public meeting. Anyone can attend."

Scott thanked me for hosting the meeting and getting these issues out on the table before the first official meeting on Jan.26.

There are probably things I have missed in this report, so feel free to send questions.  
regards, Brian

"(Community) resilience can be understood as place-based cultural practice that defines how residents survive in neighborhoods that already look broken, yet function due to existing social networks, tacit knowledge, and local histories." - Hector Fernando Burga

BRIAN BEVERIDGE, Co-Director  
West Oakland Environmental Indicators Project  
349 Mandela Pkwy.  
Oakland, Ca. 94607

Personal Address / Ex. 6

WWW.WOEIP.ORG<http://woeip.org/>

Message

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**From:** Zimpfer, Amy [Zimpfer.Amy@epa.gov]  
**Sent:** 1/11/2018 12:37:40 AM  
**To:** rsinkoff@portoakland.com  
**CC:** Scott McCreary [scott@concurinc.net]; Meredith Cowart [meredith@concurinc.net]; Amy Tharpe [atharpe@portoakland.com]; Laura Arreola [larreola@portoakland.com]; Catherine Mukai [cmukai@portoakland.com]  
**Subject:** RE: Maritime Air Quality Management Plan (MAQIP) Update: Invitation

Hi Richard and Happy New Year to you as well!

I wanted to let you know I received your invitation and CONCUR's request for an interview. We have some staffing changes underway at EPA and will get back to you soon.

Regards,  
Amy

---

**From:** Richard Sinkoff [mailto:rsinkoff@portoakland.com]  
**Sent:** Thursday, January 04, 2018 5:16 PM  
**To:** Zimpfer, Amy <Zimpfer.Amy@epa.gov>  
**Cc:** Scott McCreary <scott@concurinc.net>; Meredith Cowart <meredith@concurinc.net>; Amy Tharpe <atharpe@portoakland.com>; Laura Arreola <larreola@portoakland.com>; Catherine Mukai <cmukai@portoakland.com>  
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Scott McCreary, CONCUR, will be following up with you.

We look forward to your anticipated participation.

Sincerely,

Richard

Richard Sinkoff

001161 2020-10-29

Director of Environmental Programs and Planning  
Port of Oakland  
510-627-1182  
[rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com)



Message

---

**From:** Zimpfer, Amy [Zimpfer.Amy@epa.gov]  
**Sent:** 1/11/2018 12:35:22 AM  
**To:** Meredith Cowart [meredith@concurinc.net]  
**CC:** Scott McCreary [scott@concurinc.net]  
**Subject:** RE: Following up RSinkoff email: Scheduling a Port MAQIP Interview-AZimpfer

Hello Ms. Cowart,

I did receive the Port of Oakland's invitation and your request for an interview. We have some staffing changes underway at EPA and will get back to you soon.

Regards,  
Amy

**From:** Meredith Cowart [mailto:meredith@concurinc.net]  
**Sent:** Tuesday, January 09, 2018 3:58 PM  
**To:** Zimpfer, Amy <Zimpfer.Amy@epa.gov>  
**Cc:** Scott McCreary <scott@concurinc.net>  
**Subject:** Re: Following up RSinkoff email: Scheduling a Port MAQIP Interview-AZimpfer

Dear Amy,

We are writing to confirm that you have received the Port of Oakland's invitation to engage in the MAQIP process, and for an interview with CONCUR in the next few days. Our updated availability is as follows:

Wed Jan 10  
10:00a - 1:00p  
2:00p - 3:30p  
4:00p - 4:30p

Thurs Jan 11  
8:30a - 10:30a  
11:30a - 1:00p  
2:00p - 4:30p

Fri Jan 12  
8:30a - 10:00a  
11:00a - 3:15p  
4:00p - 4:30p

Please let us know when you are available for an interview. If you do not plan to participate in the MAQIP process, please advise whom we might contact as your successor.

We look forward to speaking with you.

Regards

Meredith Cowart and Scott McCreary

On Fri, Jan 5, 2018 at 10:26 AM, Scott McCreary <scott@concurinc.net> wrote:

Dear Amy,

Following up on the Port of Oakland's January 4, 2018, email, we are contacting you to schedule a brief interview for the MAQIP Update Task Force. We hope to cover the following:

- 1) Your background and interests as they relate to the MAQIP
- 2) Your involvement with past Port of Oakland air quality planning efforts
- 3) Goals of the MAQIP Update
- 4) Role of the MAQIP Task Force members
- 5) Meeting agenda topics

We will use the interviews to help plan the MAQIP Task Force meetings and agendas.

Attached please find the “MAQIP Update – Task Force Project Description”, with background information and draft goals of the MAQIP Update Task Force. We expect that these draft goals may change, depending on what we learn in our interviews with you and other MAQIP Task Force Members.

We're looking at the following potential interview time windows.

Friday, Jan 5

- 3:30 pm

Monday Jan 8

- 8:30 to noon

- 3:30 to 5:30

Tuesday Jan 9

- 8:30 to 12:30

- 3:30 to 5:30

Wed Jan 10

- 8:30 to 11:30

- 2:30 to 5:30

Thurs Jan 11

- 8:30 to 5:30

Friday Jan 12

- 8:30 to 5:30

Please let us know which of these time windows will work for you.

We look forward to hearing your thoughts and input.

Regards,  
Scott McCreary, Principal  
Meredith Cowart, Associate

-----  
Scott McCreary, PhD  
Principal  
CONCUR, Inc.  
1832 Second Street  
Berkeley, CA 94710  
(510) 649-8008 / 649-1980 (fax)  
[www.concurinc.com](http://www.concurinc.com)

--

Meredith Cowart  
Associate  
CONCUR, Inc  
[meredith@concurinc.net](mailto:meredith@concurinc.net)  
[www.concurinc.com](http://www.concurinc.com)  
(510) 649-8008

**From:** McGowan, Patricia [PMcGowan@oaklandnet.com]  
**Sent:** 8/24/2017 9:56:32 PM  
**To:**

# Personal Address / Ex. 6

**Subject:** Notice of Availability and 17-day comment period for Construction Management Plan Prologis sites CE-2 and CC-1  
**Attachments:** Const Management Plan V1 08 24 17.pdf

To All Oakland Army Base Stakeholders,

## **Notice of Availability of Construction Management Plan for Prologis' sites CE-2 and CC-1**

This e-mail will serve as official notice, as required by Oakland Army Base Standard Conditions of Approval/Mitigation Monitoring and Reporting Program (SCA/MMRP) Mitigation PO-1, that the **Construction Management Plan for Prologis' sites CE-2 and CC-1** is available for public review and comment. **The Plan is attached to this e-mail.** This Plan addresses mitigation measures: SCA Air-1 (Construction Management Plan), SCA Air-2 (Construction-Related Air Pollution Controls), and SCA Trans-2 (Construction Traffic and Parking).

**This Plan is being distributed to you in addition to the Plan which was sent out on August 4, 2017,** which was the Diesel Emission Reduction and Air Quality Plan for Construction of Prologis' sites CE-2 and CC-1. That Plan will be inserted as chapter 2 of this Construction Management Plan as shown on the table of contents. However, please note that the review period for the two documents terminate on different dates.

**The official 17-day review period for the Construction Management Plan for Prologis' sites CE-2 and CC-1 starts August 25, 2017 and ends on September 11, 2017.**

**Written comments can be received until 5:00pm September 11, 2017 via e-mail or US mail to:**

Patricia McGowan  
City of Oakland Environmental Coordinator  
250 Frank H. Ogawa Plaza, Suite 3315  
Oakland CA, 94612

[pmcgowan@oaklandnet.com](mailto:pmcgowan@oaklandnet.com)

**Please note that this Notice of Availability does not change the official review period for the Diesel Emission Reduction and Air Quality Plan for Construction of Prologis' sites CE-2 and CC-1 which, per the Notice of Availability e-mailed to you on August 4, ends on September 1, 2017, 5:00pm.** That Plan was e-mailed to you on August 4, and again on August 16, 2017.

Please contact me if you have any questions.

Best Regards,  
Patricia McGowan

**Patricia McGowan**, Environmental Coordinator | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510) 238-3588 | Fax: (510) 238-6538 | Email: [PMcGowan@oaklandnet.com](mailto:PMcGowan@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

Message

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**From:** Lee, Anna, Public Health, OOD [Anna.Lee@acgov.org]  
**Sent:** 8/24/2017 9:24:02 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]; Yura, Elizabeth@ARB [eyura@arb.ca.gov]; David Vintze [DVintze@baaqmd.gov]  
**Subject:** RE: Comment on piecemeal process for OAB plan review ?

Hi Richard,

I will be adding it to my draft comments to Dr. Davis. Just saw the email from Pat — now we have two deadlines to keep track of. It's getting confusing. Do you all have language from past letters that I can see on this issue?

Anna

---

**From:** Grow, Richard [mailto:Grow.Richard@epa.gov]  
**Sent:** Wednesday, August 23, 2017 5:42 PM  
**To:** Lee, Anna, Public Health, OOD <Anna.Lee@acgov.org>; Yura, Elizabeth@ARB <eyura@arb.ca.gov>; David Vintze <DVintze@baaqmd.gov>  
**Subject:** Comment on piecemeal process for OAB plan review ?

Anna & others

I'm thinking about commenting on the issue Anna raised today regarding SCA AIR-1 and I tried to follow up on, which is regarding the portion of the plan for CE-2 and CC-1 which was discussed today and for which comments are due by 5 pm 9/1. The text in the plan reads:

*2. SCA AIR-1: Construction Management Plan*

*2.1 Requirements*

*a. The project applicant shall submit to the Planning and Zoning Division and the Building Services Division for review and approval a construction management plan (CMP) that identifies the conditions of approval and mitigation measures to construction impacts of the project and explains how the project applicant will comply with these construction-related conditions of approval and mitigation measures.*

*2.2 CMP Response*

*b. Prologis will submit the CMP to the City of Oakland Planning and Building Departments during the plan check review process for site or building permits. Similar to the Northeast Gateway site, the CMP will include all of the AQ elements included this Construction AQ Plan.*

As Elizabeth and others said during the meeting, the agencies have been requesting for quite some time the plan for the entire project and not just the pieces. This was stated again most clearly at the 5/9/17 meeting with Pat and Darin. Today I tried to find a hook in the current official (ie the City's) process by asking **"if SCA AIR-1 is subject to measure PO-1 of the SCA ?"** Pat answered yes and then provided a rationale that by this the City meant piece-by-piece. City staff at least had the grace to concede that in fact SCA AIR-1 was (1) subject to PO-1 and (2) it had never yet been distributed for review per PO-1. I've attached PO-1 in case any of us are rusty on what it says, however objectionable many of us have found it. At today's meeting Pat McG said she would circulate the SCA AIR-1 plan by the end of today to initiate the 17 day review process, she and John saying they had provided the required 45 day notice (which is to precede the 17 day review period) back in February. I need to go back and see what was said in February, not quite convinced they gave notice for SCA AIR-1 itself.

**The comment** I am considering relative to the current plan is that the section *in the current plan* discussing and responding to SCA AIR-1 cannot be approved as is, in that none of us have even seen the CMP required by SCA AIR-1. In making that comment it may be plausible to point out that the City's approach has led to the segmentation (piecemealization ?) of the stakeholder and public review process. Some might go further and maintain that the lack of an approved approach to SCA AIR-1 also hinders the approvability of the proposed plans (for CE-2 and CC-1) themselves. Frankly I don't now how to think about that.

I'm sharing this with you for any thoughts on commenting on this, whether there is any agreement among the agencies, but also to prepare for the subsequent commenting on SCA AIR-1 if and when the City puts it out for public review.

Richard

Message

---

**From:** Scott McCreary [scott@concurinc.net]  
**Sent:** 1/4/2018 11:33:44 PM  
**To:** Brian Beveridge [brian.woeip@gmail.com]  
**CC:** rsinkoff@portoakland.com; margaret.woeip@gmail.com; Laura Arreola [larreola@portoakland.com]; Catherine Mukai [cmukai@portoakland.com]; Amy Tharpe [atharpe@portoakland.com]; Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** Re: Maritime Air Quality Improvement Plan Update: Task Force engagement

That should for us.

Hopefully Meredith will be able to traverse the blizzard conditions back East and get back for our Monday afternoon meeting.

Best,  
Scott

On Thu, Jan 4, 2018 at 3:32 PM, Brian Beveridge <[Personal Address / Ex. 6](#)> wrote:

Sorry Richard

I thought I responded. 1:30 - 2:30 on Monday, Jan 8, works for us. We are happy to host the meeting at our offices.

regards, Brian

p.s. and yes, I like ginger! no butter frosting for me, though. just in case you had something lavish in mind. and no nuts for Ms. M.

"(Community) resilience can be understood as place-based cultural practice that defines how residents survive in neighborhoods that already look broken, yet function due to existing social networks, tacit knowledge, and local histories." - Hector Fernando Burga

BRIAN BEVERIDGE, Co-Director  
West Oakland Environmental Indicators Project  
[349 Mandela Pkwy.](#)  
[Oakland, Ca. 94607](#)

[Personal Address / Ex. 6](#)

[WWW.WOEIP.ORG](http://WWW.WOEIP.ORG)

On Thu, Jan 4, 2018 at 3:26 PM, Richard Sinkoff <[rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com)> wrote:

Dear Bran and Ms. Margaret,

Just following up on my e-mail from yesterday. How does 1:30-2:30 p.m. look on your schedules on Monday, January 8? Port offices or WOEIP best for you?

Looking forward,



Richard

---

**From:** Richard Sinkoff  
**Sent:** Wednesday, January 03, 2018 12:21 PM  
**To:** 'Brian Beveridge' [mailto:Personal Address / Ex. 6]  
**Cc:** [mailto:Personal Address / Ex. 6]; Scott McCreary <scott@concurinc.net>; Laura Arreola <larreola@portoakland.com>; Catherine Mukai <cmukai@portoakland.com>; Amy Tharpe <atharpe@portoakland.com>; Richard Grow <grow.richard@epa.gov>  
**Subject:** RE: Maritime Air Quality Improvement Plan Update: Task Force engagement

Hi Brian,

Thanks so much for getting back to me so quickly. Much appreciated.

How does 1:30 p.m.-2:30 p.m. work for you and Ms. Margaret on Monday, January 8? Would you and Ms. Margaret like to come to the Port office at 530 Water Street or would you prefer that we meet at WOEIP offices?

Best,

Richard

p.s. I will see what I can muster up in the kitchen for our meeting on Monday! Do you like ginger?

---

**From:** Brian Beveridge [mailto:Personal Address / Ex. 6]  
**Sent:** Tuesday, January 02, 2018 7:40 PM  
**To:** Richard Sinkoff <rsinkoff@portoakland.com>  
**Cc:** [mailto:Personal Address / Ex. 6]; Scott McCreary <scott@concurinc.net>; Laura Arreola <larreola@portoakland.com>; Catherine Mukai <cmukai@portoakland.com>; Amy Tharpe <atharpe@portoakland.com>; Richard Grow <grow.richard@epa.gov>  
**Subject:** Re: Maritime Air Quality Improvement Plan Update: Task Force engagement

Hi Richard

Happy New Year! I saw that you were doing some baking over the holidays! Where's my slice?

001171 2020-10-29

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We are available next week, Monday, Wednesday or Thursday after 1pm. We would like to have Richard Grow sit in as an observer, but we will leave our EarthJustice lawyers at home, if the Port agrees to do the same.

regards, Brian

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I hope that we can meet to discuss your concerns and reflect these in the planning for the MAQIP Update.

I look forward to hearing from you at your earliest convenience.

Best always,

Richard

Richard Sinkoff

Director of Environmental Programs and Planning

Port of Oakland

510-627-1182

[rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com)

--  
Scott McCreary, PhD  
Principal  
CONCUR, Inc.  
1832 Second Street

Berkeley, CA 94710  
(510) 649-8008 / 649-1980 (fax)  
[www.concurinc.com](http://www.concurinc.com)

Message

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**From:** Brian Beveridge [Personal Address / Ex. 6]  
**Sent:** 1/4/2018 11:32:19 PM  
**To:** rsinkoff@portoakland.com  
**CC:** [Personal Address / Ex. 6]; Scott McCreary [scott@concurinc.net]; Laura Arreola [larreola@portoakland.com]; Catherine Mukai [cmukai@portoakland.com]; Amy Tharpe [atharpe@portoakland.com]; Grow, Richard [Grow.Richard@epa.gov]  
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**To:** 'Brian Beveridge' **Personal Address / Ex. 6**

**Cc:** **Personal Address / Ex. 6**; Scott McCreary <[scott@concurinc.net](mailto:scott@concurinc.net)>; Laura Arreola <[larreola@portoakland.com](mailto:larreola@portoakland.com)>; Catherine Mukai <[cmukai@portoakland.com](mailto:cmukai@portoakland.com)>; Amy Tharpe <[atharpe@portoakland.com](mailto:atharpe@portoakland.com)>; Richard Grow <[grow.richard@epa.gov](mailto:grow.richard@epa.gov)>

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p.s. I will see what I can muster up in the kitchen for our meeting on Monday! Do you like ginger?

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**Sent:** Tuesday, January 02, 2018 7:40 PM

**To:** Richard Sinkoff <[rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com)>

**Cc:** **Personal Address / Ex. 6**; Scott McCreary <[scott@concurinc.net](mailto:scott@concurinc.net)>; Laura Arreola <[larreola@portoakland.com](mailto:larreola@portoakland.com)>; Catherine Mukai <[cmukai@portoakland.com](mailto:cmukai@portoakland.com)>; Amy Tharpe <[atharpe@portoakland.com](mailto:atharpe@portoakland.com)>; Richard Grow <[grow.richard@epa.gov](mailto:grow.richard@epa.gov)>

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regards, Brian

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I look forward to hearing from you at your earliest convenience.

Best always,

Richard

Richard Sinkoff

Director of Environmental Programs and Planning

Port of Oakland

510-627-1182

[rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com)



Message

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**From:** McGowan, Patricia [PMcGowan@oaklandnet.com]  
**Sent:** 8/24/2017 7:57:19 PM  
**To:**

# Personal Address / Ex. 6

**Subject:** RE: Question on SCA AIR-1: Presentation by Prologis at Aug. 23, 2017 Stakeholder meeting

Richard,

Yes that is correct. The 45-day notice was issued on February 9, 2017, and yes, a 17-day notice will be issued later today for the Construction Management Plan for CE-2 and CC-1. The 17-day notice for one chapter of the Const. Mgt. Plan which is the diesel emission reduction and air quality plan for construction of CE-1 and CC-1 (this is the Plan that was discussed at yesterday's Stakeholder meeting) was issued on August 4, 2017. Therefore, these two different 17-day periods will terminate on different dates. That was stated at yesterday's Stakeholder meeting, and will be stated again in the 17-day notice for the Construction Management Plan that will be issued later today.

Patricia

**Patricia McGowan**, Environmental Coordinator | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510) 238-3588 | Fax: (510) 238-6538 | Email: [PMcGowan@oaklandnet.com](mailto:PMcGowan@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

---

**From:** Grow, Richard [mailto:Grow.Richard@epa.gov]  
**Sent:** Thursday, August 24, 2017 11:45 AM

# Personal Address / Ex. 6

001179 2020-10-29

# Personal Address / Ex. 6

**Subject:** Question on SCA AIR-1: Presentation by Prologis at Aug. 23, 2017 Stakeholder meeting

Pat

Thank you for distributing this. Could you confirm whether my understanding is correct that the City stated at the meeting that it will put SCA AIR-1 out for the 17 day public review process under PO-1 ? I also understood John Monetta to have said that the 45 day notice which is to precede the 17 day public review under PO-1 was given in February, so if you could confirm whether that is correct I would appreciate that also.

Richard

---

**From:** McGowan, Patricia [<mailto:PMcGowan@oaklandnet.com>]

**Sent:** Thursday, August 24, 2017 9:44 AM

# Personal Address / Ex. 6

**Subject:** Presentation by Prologis at Aug. 23, 2017 Stakeholder meeting

To all Oakland Army Base Air Quality Stakeholders,

As requested at the Stakeholder meeting yesterday, attached please find the Prologis powerpoint presentation in PDF format. Note that the first video shown can be found on: [www.prologisoglc.com](http://www.prologisoglc.com).

Best Regards,  
Patricia McGowan

**Patricia McGowan**, Environmental Coordinator | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510) 238-3588 | Fax: (510) 238-6538 | Email: [PMcGowan@oaklandnet.com](mailto:PMcGowan@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)



Message

---

**From:** Richard Sinkoff [rsinkoff@portoakland.com]  
**Sent:** 1/4/2018 11:26:54 PM  
**To:** Brian Beveridge [Personal Address / Ex. 6]  
**CC:** marga [Personal Address / Ex. 6]; Creary [scott@concurinc.net]; Laura Arreola [larreola@portoakland.com]; Catherine Mukai [cmukai@portoakland.com]; Amy Tharpe [atharpe@portoakland.com]; Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** RE: Maritime Air Quality Improvement Plan Update: Task Force engagement

Dear Bran and Ms. Margaret,

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Looking forward,

Richard

---

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**Sent:** Wednesday, January 03, 2018 12:21 PM  
**To:** Brian Beveridge [Personal Address / Ex. 6]  
**Cc:** [Personal Address / Ex. 6]; Scott McCreary <scott@concurinc.net>; Laura Arreola <larreola@portoakland.com>; Catherine Mukai <cmukai@portoakland.com>; Amy Tharpe <atharpe@portoakland.com>; Richard Grow <grow.richard@epa.gov>  
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Best,  
Richard

p.s. I will see what I can muster up in the kitchen for our meeting on Monday! Do you like ginger?

---

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**Sent:** Tuesday, January 02, 2018 7:40 PM  
**To:** Richard Sinkoff [rsinkoff@portoakland.com]  
**Cc:** [Personal Address / Ex. 6]; Scott McCreary <scott@concurinc.net>; Laura Arreola <larreola@portoakland.com>; Catherine Mukai <cmukai@portoakland.com>; Amy Tharpe <atharpe@portoakland.com>; Richard Grow <grow.richard@epa.gov>  
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[WWW.WOEIP.ORG](http://WWW.WOEIP.ORG)

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I look forward to hearing from you at your earliest convenience.

Best always,

Richard

Richard Sinkoff

Director of Environmental Programs and Planning

Port of Oakland

510-627-1182

[rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com)

Message

---

**From:** Zimpfer, Amy [Zimpfer.Amy@epa.gov]  
**Sent:** 1/10/2018 9:42:08 PM  
**To:** Valentine, Stephanie [Valentine.Stephanie@epa.gov]; Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** FW: Following up RSinkoff email: Scheduling a Port MAQIP Interview-AZimpfer

I would like to connect directly with you Stephanie, ok?

**From:** Meredith Cowart [mailto:meredith@concurinc.net]  
**Sent:** Tuesday, January 09, 2018 3:58 PM  
**To:** Zimpfer, Amy <Zimpfer.Amy@epa.gov>  
**Cc:** Scott McCreary <scott@concurinc.net>  
**Subject:** Re: Following up RSinkoff email: Scheduling a Port MAQIP Interview-AZimpfer

Dear Amy,

We are writing to confirm that you have received the Port of Oakland's invitation to engage in the MAQIP process, and for an interview with CONCUR in the next few days. Our updated availability is as follows:

Wed Jan 10  
10:00a - 1:00p  
2:00p - 3:30p  
4:00p - 4:30p

Thurs Jan 11  
8:30a - 10:30a  
11:30a - 1:00p  
2:00p - 4:30p

Fri Jan 12  
8:30a - 10:00a  
11:00a - 3:15p  
4:00p - 4:30p

Please let us know when you are available for an interview. If you do not plan to participate in the MAQIP process, please advise whom we might contact as your successor.

We look forward to speaking with you.

Regards

Meredith Cowart and Scott McCreary

On Fri, Jan 5, 2018 at 10:26 AM, Scott McCreary <scott@concurinc.net> wrote:

Dear Amy,

Following up on the Port of Oakland's January 4, 2018, email, we are contacting you to schedule a brief interview for the MAQIP Update Task Force. We hope to cover the following:

- 1) Your background and interests as they relate to the MAQIP
- 2) Your involvement with past Port of Oakland air quality planning efforts
- 3) Goals of the MAQIP Update
- 4) Role of the MAQIP Task Force members
- 5) Meeting agenda topics

We will use the interviews to help plan the MAQIP Task Force meetings and agendas.

Attached please find the "MAQIP Update – Task Force Project Description", with background information and draft goals of the MAQIP Update Task Force. We expect that these draft goals may change, depending on what we learn in our interviews with you and other MAQIP Task Force Members.

We're looking at the following potential interview time windows.

Friday, Jan 5

- 3:30 pm

Monday Jan 8

- 8:30 to noon

- 3:30 to 5:30

Tuesday Jan 9

- 8:30 to 12:30

- 3:30 to 5:30

Wed Jan 10

- 8:30 to 11:30

- 2:30 to 5:30

Thurs Jan 11

- 8:30 to 5:30

Friday Jan 12

- 8:30 to 5:30

Please let us know which of these time windows will work for you.

We look forward to hearing your thoughts and input.

Regards,  
Scott McCreary, Principal  
Meredith Cowart, Associate

---

Scott McCreary, PhD  
Principal  
CONCUR, Inc.  
1832 Second Street  
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--

Meredith Cowart  
Associate  
CONCUR, Inc



meredith@concurinc.net  
www.concurinc.com  
(510) 649-8008

**From:** Margaret Gordon [Personal Address / Ex. 6]  
**Sent:** 12/4/2017 9:01 AM  
**To:** Brian Beveridge [Personal Address / Ex. 6]  
**CC:** Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** Re: FW: Truck Managament Plan - studies and scope

Thanks Richard,

I'm forwarding the your memo to Paul and Adenike. Also, to me, I will call Pat on Thursday about meeting to discuss Saturday event and next step for the 'air monitoring presentation.

Ms. M

On Mon, Dec 4, 2017 at 12:53 PM, Brian Beveridge [Personal Address / Ex. 6] wrote:  
Richard

Good memo. Let's see if it makes a dent, or just bounces back off the wall. I think Gilchrist is a positive element right now. No telling about the future, but we should work to educate and orient him while we can. MG and I started discussing this strategy on Saturday.

Let's have a sit-down in the coming week.

Brian

On Dec 4, 2017 11:54 AM, "Grow, Richard" <[Grow.Richard@epa.gov](mailto:Grow.Richard@epa.gov)> wrote:

FYI. I'd suggest giving this a day or two to see if/how they respond, then talk about further follow-up, meanwhile any thoughts or corrections welcome. There must be implications to Cappio's departure and the appointment of William Gilchrist as the new planning director, hopefully positive implications as far as opportunities to move ahead. Richard

---

**From:** Grow, Richard  
**Sent:** Monday, December 4, 2017 11:49 AM  
**To:** [PMcGowan@oaklandnet.com](mailto:PMcGowan@oaklandnet.com)  
**Cc:** [wgilchrist@oaklandnet.com](mailto:wgilchrist@oaklandnet.com); [sggrant@envirocommunications.com](mailto:sggrant@envirocommunications.com); [agardner@portoakland.com](mailto:agardner@portoakland.com)  
**Subject:** Truck Managament Plan - studies and scope

Patricia McGowan (cc William Gilchrist, Andrea Gardner, Surlene Grant)

This note is to follow up on the suggestion I put forward at the excellent community workshop on trucks in West Oakland which you hosted this past Saturday. In my remarks Saturday I made reference to a suggestion previously put forward by Ms. Margaret Gordon of the WOEIP at the July 10 meeting at City Hall which you also hosted, and during which EDF presented the findings from its "Street View" project documenting on a fine scale (block by block) the levels and distribution of black carbon. At the July 10 meeting Ms. Gordon suggested that the 20 or so parties gathered around the table, representing perhaps a dozen organizations,

agencies and interests, work collaboratively together to assess and address the implications of the studies findings with regard to mitigation of the effects revealed by the study.

My suggestion this past Saturday was that you, along with others carrying out this latest “truck management plan” exercise, incorporate into the current planning effort time to for participants in the planning effort to consider the EDF/Google study as well as a more recent UC Berkeley assisted “100 x 100” West Oakland black carbon monitoring study. As I mentioned Saturday, there may be no community in the country for which there is a richer availability of local scale air pollutant data. It seems here that it would be unfortunate to not make use of this information in coming up with a truck plan addressing the public health impacts of truck-related operations in West Oakland.

Regarding the scope of the TMP, I hope you will be open to the possibility that consideration of this additional information could have some effect on the scope of the plan itself. It was clear from the discussions Saturday that the issue of the scope of the TMP is itself an issue of quite some concern to many stakeholders. This also goes to the assurances I had previously received from both yourself and Claudia Cappio at the August 23 Air Quality Stakeholders meeting, assurances that the scope of the TMP had not already been set, but would rather be set by way of the interactive process which you would be convening this fall. I found this encouraging, as well as consistent with the language of mitigation measure 4.3-7, committing to a truck management plan and enumerating 8 potential “elements”, while also including the caveat that the plan “is not limited to” that list of elements.

I understand that you have been assuming the viability of a “five step” planning process as laid out at the Saturday meeting, with the next (i.e. third) meeting to be focused on “prioritization” of measures proposed by City staff based on the first two meetings, and acknowledge that my suggestions might result in the TMP process taking a bit longer, but hope that you will consider whether they might also add to the quality of and support for the plan. There may be some logic in getting a common understanding of, and agreement on, the scope of the plan before moving on to prioritizing components of the plan.

Please feel free to call me directly to discuss this further, and thanks again for the very educational event this past weekend.

Richard Grow  
US EPA  
Region 9  
(415) 947-4104

--  
Ms. Margaret Gordon/Co-Director  
West Oakland Environmental Indicators Project  
349 Mandela Parkway  
Oakland, CA 94607  
Personal Address / Ex. 6 Direct line  
www.wocip.org

**From:** Brian Beveridge [Personal Address / Ex. 6]  
**Sent:** 12/4/2017 8:53:58 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**CC:** Margaret Gordon [Personal Address / Ex. 6]  
**Subject:** Re: FW: Truck Management Plan - studies and scope

Richard

Good memo. Let's see if it makes a dent, or just bounces back off the wall. I think Gilchrist is a positive element right now. No telling about the future, but we should work to educate and orient him while we can. MG and I started discussing this strategy on Saturday.

Let's have a sit-down in the coming week.

Brian

On Dec 4, 2017 11:54 AM, "Grow, Richard" <Grow.Richard@epa.gov> wrote:

FYI. I'd suggest giving this a day or two to see if/how they respond, then talk about further follow-up, meanwhile any thoughts or corrections welcome. There must be implications to Cappio's departure and the appointment of William Gilchrist as the new planning director, hopefully positive implications as far as opportunities to move ahead. Richard

---

From: Grow, Richard  
Sent: Monday, December 4, 2017 11:49 AM  
To: [PMcGowan@oaklandnet.com](mailto:PMcGowan@oaklandnet.com)  
Cc: [wgilchrist@oaklandnet.com](mailto:wgilchrist@oaklandnet.com); [sggrant@envirocommunications.com](mailto:sggrant@envirocommunications.com); [agardner@portoakland.com](mailto:agardner@portoakland.com)  
Subject: Truck Management Plan - studies and scope

Patricia McGowan (cc William Gilchrist, Andrea Gardner, Surlene Grant)

This note is to follow up on the suggestion I put forward at the excellent community workshop on trucks in West Oakland which you hosted this past Saturday. In my remarks Saturday I made reference to a suggestion previously put forward by Ms. Margaret Gordon of the WOEIP at the July 10 meeting at City Hall which you also hosted, and during which EDF presented the findings from its "Street View" project documenting on a fine scale (block by block) the levels and distribution of black carbon. At the July 10 meeting Ms. Gordon suggested that the 20 or so parties gathered around the table, representing perhaps a dozen organizations, agencies and interests, work collaboratively together to assess and address the implications of the studies findings with regard to mitigation of the effects revealed by the study.

My suggestion this past Saturday was that you, along with others carrying out this latest "truck management plan" exercise, incorporate into the current planning effort time to for participants in the planning effort to consider the EDF/Google study as well as a more recent UC Berkeley assisted "100 x 100" West Oakland black carbon monitoring study. As I mentioned Saturday, there may be no community in the country for which there is a richer availability of local scale air pollutant data. It seems here that it would be unfortunate to not make use of this information in coming up with a truck plan addressing the public health impacts of truck-related operations in West Oakland.

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Quality Stakeholders meeting, assurances that the scope of the TMP had not already been set, but would rather be set by way of the interactive process which you would be convening this fall. I found this encouraging, as well as consistent with the language of mitigation measure 4.3-7, committing to a truck management plan and enumerating 8 potential “elements”, while also including the caveat that the plan “is not limited to” that list of elements.

I understand that you have been assuming the viability of a “five step” planning process as laid out at the Saturday meeting, with the next (i.e. third) meeting to be focused on “prioritization” of measures proposed by City staff based on the first two meetings, and acknowledge that my suggestions might result in the TMP process taking a bit longer, but hope that you will consider whether they might also add to the quality of and support for the plan. There may be some logic in getting a common understanding of, and agreement on, the scope of the plan before moving on to prioritizing components of the plan.

Please feel free to call me directly to discuss this further, and thanks again for the very educational event this past weekend.

Richard Grow  
US EPA  
Region 9  
(415) 947-4104

Message

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**From:** Brian Beveridge [mailto:Personal Address / Ex. 6]  
**Sent:** 1/4/2018 7:23:02 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** RE: Engagement Criteria

OK. Will do.  
Brian

On Jan 4, 2018 10:16 AM, "Grow, Richard" <Grow.Richard@epa.gov> wrote:

Will be traveling from NMexico, wish I could. You might ask whether they have been talking with us agencies, incl my own, which in our case they haven't.

**From:** Brian Beveridge [mailto:Personal Address / Ex. 6]  
**Sent:** Thursday, January 04, 2018 9:21 AM  
**To:** Grow, Richard <Grow.Richard@epa.gov>  
**Subject:** RE: Engagement Criteria

Do you want to observe this meeting?

Brian

On Jan 4, 2018 7:24 AM, "Grow, Richard" <Grow.Richard@epa.gov> wrote:

Cool, I didn't see her in the address list. Good luck on Monday, looking forward to the outcome.

**From:** Brian Beveridge [mailto:Personal Address / Ex. 6]  
**Sent:** Wednesday, January 03, 2018 7:13 PM  
**To:** Grow, Richard <Grow.Richard@epa.gov>  
**Subject:** Re: Engagement Criteria

Hi

I sent it to her as an attachment.

Port meeting Monday Jan 8, 1:30. Our office.

Brian

"(Community) resilience can be understood as place-based cultural practice that defines how residents survive in neighborhoods that already look broken, yet function due to existing social networks, tacit knowledge, and local histories." - Hector Fernando Burga

BRIAN BEVERIDGE, Co-Director  
West Oakland Environmental Indicators Project  
349 Mandela Pkwy.  
Oakland, Ca. 94607  
Personal Address / Ex. 6  
[WWW.WOEIP.ORG](http://WWW.WOEIP.ORG)

On Wed, Jan 3, 2018 at 6:35 PM, Grow, Richard <[Grow.Richard@epa.gov](mailto:Grow.Richard@epa.gov)> wrote:

Brian , this may not have gone to Anna. Have you tied down a time with Sinkoff?

From: Brian Beveridge (через Google Документы) [Personal Address / Ex. 6]  
Sent: Wednesday, January 3, 2018 5:04 PM  
To: Grow, Richard  
Cc: [DVintze@baaqmd.gov](mailto:DVintze@baaqmd.gov)  
Subject: Engagement Criteria

Пользователь Brian Beveridge [Personal Address / Ex. 6] поделился ссылкой на следующий документ:

[<https://ssl.gstatic.com/docs/documents/share/images/services/document-4.png>]

Engagement

Criteria<[https://docs.google.com/document/d/1TNQBD7MdmW2OCBwwteTxmvFaFB8a0Wl5qkP58wgrLbM/edit?usp=sharing\\_eil&ts=5a4d7d9b](https://docs.google.com/document/d/1TNQBD7MdmW2OCBwwteTxmvFaFB8a0Wl5qkP58wgrLbM/edit?usp=sharing_eil&ts=5a4d7d9b)>

[Sender's profile photo]Hi Anna and Dave. Please give us your feedback on this list of criteria that Ms. M and I are creating as the basis for our participation in the MAQIP update process. Both your agencies, and several others wrote letters in 2007-2008 recommending many of these same things. We will not participate unless we get a commitment from the Port and the facilitators to meet these criteria. We have a preliminary meeting with Sinkoff and crew on Jan 11 and will present these requirements.

Brian

Открыть в

Документах<[https://docs.google.com/document/d/1TNQBD7MdmW2OCBwwteTxmvFaFB8a0Wl5qkP58wgrLbM/edit?usp=sharing\\_eip&ts=5a4d7d9b](https://docs.google.com/document/d/1TNQBD7MdmW2OCBwwteTxmvFaFB8a0Wl5qkP58wgrLbM/edit?usp=sharing_eip&ts=5a4d7d9b)>

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Google Inc. 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA

Вы получили это сообщение, так как вам предоставлен доступ к документу Google. [Логотип (Google Документы)] <<https://drive.google.com>>



Message

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**From:** Reyes, Deldi [Reyes.Deldi@epa.gov]  
**Sent:** 1/10/2018 5:17:24 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** RE: AB 617 & BAAQMD

Thanks Richard-helpful background.  
I'm getting quite a lot of RSVPs internally for the meet on Friday.  
Let's compare notes tomorrow.

---

**From:** Grow, Richard  
**Sent:** Wednesday, January 10, 2018 8:21 AM  
**To:** Reyes, Deldi <Reyes.Deldi@epa.gov>  
**Subject:** AB 617 & BAAQMD

Deldi

# Deliberative Process / Ex. 5

RG

---

**From:** Jack Broadbent [<mailto:jack@baaqmd.gov>]  
**Sent:** Tuesday, January 09, 2018 9:44 PM  
**To:** Grow, Richard <[Grow.Richard@epa.gov](mailto:Grow.Richard@epa.gov)>  
**Cc:** [dbreen@baaqmd.gov](mailto:dbreen@baaqmd.gov); Gregory H. Nudd <[gnudd@baaqmd.gov](mailto:gnudd@baaqmd.gov)>  
**Subject:** Re: Urgent questions on MAQIP

Richard,

I will personally participate on the MAQIP Steering group, but as far as our staff contact, I would coordinate with Greg Nudd of the District. I asked to be on the invite list specifically because of the concerns from community members about reconvening this group. I do think the interagency representatives should talk before the first meeting of the MAQIP. We should also talk about our recent discussions with the Port re: projects and related issues.

Jack

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**From:** Grow, Richard <[grow.richard@epa.gov](mailto:grow.richard@epa.gov)>  
**Sent:** Tuesday, January 9, 2018 7:51 PM  
**Subject:** Urgent questions on MAQIP  
**To:** Jack Broadbent <[jack@baaqmd.gov](mailto:jack@baaqmd.gov)>  
**Cc:** Damian Breen <[dbreen@baaqmd.gov](mailto:dbreen@baaqmd.gov)>, Gregory H. Nudd <[gnudd@baaqmd.gov](mailto:gnudd@baaqmd.gov)>

Jack (cc Damian and Greg)

We have just recently been contacted by the Port of Oakland's contractor about reconvening the MAQIP Task Force. Even though we had been hearing about this via WOEIP for some time, details had been at best very scarce. At the same time we are aware that the last round of MAQIP (2009) concluded amidst significant dissatisfaction among the "interagency" group which included your and our agencies as well as CARB and ACPH, that dissatisfaction being well memorialized in a subsequent port-funded evaluation report by Viveka Chen. We are also aware that the WOEIP has voiced concerns about this reconvening which have yet to be responded to by the Port. Finally, it is our understanding that the first of very few planned meetings under this reconvened process has been set for January 25 or 26th.

Could you please let us know whom at your office we should be talking to and coordinating with regarding this effort. Any thoughts on whether the schedule and process for this is already set in stone would also be welcome. Finally, please consider whether it might be useful for the member agencies of the "interagency work group" from the 2008-9 effort to talk prior to the formal launch of this effort.

Thanks again,

Richard

Message

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**From:** Israels, Ken [Israels.Ken@epa.gov]  
**Sent:** 12/4/2017 4:53:11 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** RE: Topic 5.d.: December 5 OTAQ/Region 9 Meeting Draft Discussion Topics

Richard -

So is Topic 5.d. the ports item?

Ken

-----Original Message-----

**From:** Grow, Richard  
**Sent:** Monday, December 4, 2017 7:19 AM  
**To:** BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>; Davidson, Ken <Davidson.Ken@epa.gov>  
**Cc:** Israels, Ken <Israels.Ken@epa.gov>  
**Subject:** Topic 5.d.: December 5 OTAQ/Region 9 Meeting Draft Discussion Topics

Hi Mike, thanks for forwarding this.

If there is time under the Port of Oakland T6 issue, I'd like to discuss, very briefly, how resolution of the civil rights complaint has caused us to consider, and discuss with our partner agencies (CARB, BAAQMD), the need for what amounts to a "best available" goods movement mitigation measures policy. In discussions with our HQ civil rights office, and in the context of resolution discussions with the City and Port of Oakland, we have developed a rough framework for such a policy. However this ends up, the outcome will most likely be relevant to EJ GM communities elsewhere (most GM communities arguably are EJ communities). I'm copying Ken Israels as he has been involved in some of these discussions. If this doesn't fit in this format, I'd be glad to have a side discussion with OTAQ folks while they are here.

Richard

---

**From:** BANDROWSKI, MIKE  
**Sent:** Friday, December 1, 2017 3:40 PM  
**To:** Davidson, Ken; Grow, Richard  
**Subject:** FW: December 5 OTAQ/Region 9 Meeting Draft Discussion Topics

FYI

Mike Bandrowski | Manager, Office of Air Toxics, Radiation and Indoor Air U.S. Environmental Protection Agency | Region 9 | Air Division, Air-6 | 75 Hawthorne St | San Francisco, CA 94105 | Tel 415.947-4194 | [bandrowski.mike@epa.gov](mailto:bandrowski.mike@epa.gov)<<mailto:bandrowski.mike@epa.gov>>

**From:** Zimpfer, Amy  
**Sent:** Friday, December 01, 2017 2:59 PM  
**To:** Lakin, Matt <Lakin.Matthew@epa.gov>; Jordan, Deborah <Jordan.Deborah@epa.gov>  
**Cc:** Lee, Anita <Lee.Anita@epa.gov>; Ungvarsky, John <Ungvarsky.John@epa.gov>; Lo, Doris <Lo.Doris@epa.gov>; Machol, Ben <Machol.Ben@epa.gov>; MIKULIN, JOHN <MIKULIN.JOHN@EPA.GOV>; Tax, Wienke <Tax.Wienke@epa.gov>; Donez, Francisco <Donez.Francisco@epa.gov>; Mayfield, Dana <mayfield.dana@epa.gov>; Zimpfer, Amy <Zimpfer.Amy@epa.gov>; Grow, Richard <Grow.Richard@epa.gov>; BANDROWSKI, MIKE <Bandrowski.Mike@epa.gov>; Gaudario, Abigail <Gaudario.Abigail@epa.gov>  
**Subject:** December 5 OTAQ/Region 9 Meeting Draft Discussion Topics

Hi Deborah and Matt,

Attached please find a draft list of potential discussion topics for our December 5 meeting with OTAQ's Chris Grundler and Karl Simon. Karl and I agreed to an informal session, with discussion topics rather than a set agenda and formal presentations. They are expected to arrive sometime around 2:30pm. The meeting will be held in the Navajo Room. Here are the expected participants:

2:30pm-3:00pm (approx.) Chris, Karl, Deborah, Matt, Ben, Amy  
3:00pm-4:00pm (approx.) Same as above plus John Mikulin, Dana Mayfield, John Ungvarsky and via telephone, Francisco Donez and Karina O' Connor. We may have one or two additional staff.

Please review the discussion topics and let me know if you have any comments. I will incorporate comments and send to Chris and Karl on Monday.

Thank you.

Amy

p.s. to Abi-can you please hold the Navajo Room until 4:30pm in case the meeting extends beyond 4pm?

## Appointment

---

**From:** adeguzman@baaqmd.gov [adeguzman@baaqmd.gov]  
**Sent:** 7/18/2017 10:01:21 PM  
**To:** CCappio@oaklandnet.com; MDNichols@oaklandnet.com; Tess Lengyel [tlengyel@alamedactc.org];  
adao@alamedactc.org; abockelman@mtc.ca.gov; Matt Maloney [mmaloney@mtc.ca.gov]; Beba Sanchez  
[BSanchez@mtc.ca.gov]; Jack Broadbent [jack@baaqmd.gov]; Aloha de Guzman [adeguzman@baaqmd.gov];  
cynthia.marvin@arb.ca.gov; elizabeth.yura@arb.ca.gov; Grow, Richard [Grow.Richard@epa.gov];  
mdavis@portoakland.com; dgonzalez@portofoakland.com; anna.lee@acgov.org; Carolyn Clevenger  
[cclevenger@alamedactc.org]; rsinkoff@portoakland.com; cmuka@portofoakland.com; Henry Hilken  
[HHilken@baaqmd.gov]; Maricela Martinez [mmartinez@baaqmd.gov]; Vanessa Johnson [vjohnson@baaqmd.gov];  
Sheng Thao [sthao@oaklandnet.com]; Rebecca Kaplan [kaplanforoakland@gmail.com]

**Subject:** Planning Meeting for Port of Oakland/OAB - 2nd meeting  
**Location:** ACTC Offices: 1111 Broadway Suite 800 Room D Oakland Ca, 94607

**Start:** 9/15/2017 7:00:00 PM  
**End:** 9/15/2017 9:00:00 PM  
**Show Time As:** Tentative

**Recurrence:** (none)

Lunch will be provided at this meeting.

Thank you,

Aloha for Mr. Breen

Message

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**From:** Margaret Gordon [margaret.woeip@gmail.com]  
**Sent:** 7/18/2017 2:06:31 PM  
**To:** Omega Wilson [wera1usa@earthlink.net]; Citizen Science Ethics Conference [raleighethicsconference@gmail.com]; Jada Delaney [jedad2000@gmail.com]; jratner@rosefdn.org; Charles L. Mason Jr. [charles@ubuntugreen.org]; bradley@greenaction.org; Phoenix Armenta [phoenix@rootedinresilience.org]; Aadeyeye@earthjustice.org; Connors, Rachel@ARB [Rachel.Connors@arb.ca.gov]; Kevin CUFF [kcuff@berkeley.edu]; brent@hyphae.net; Beth Teper [bethteper@gmail.com]; Rci Members [rci-members@googlegroups.com]; Olp, Kevin@EPA [Kevin.Olp@calepa.ca.gov]; Cassandra Martin [cdmartin.woeip@gmail.com]; Carlos Zambrano [czambrano@rosefdn.org]; Curtis Bernard Flemming [revparkslope@yahoo.com]; Grow, Richard [Grow.Richard@epa.gov]; Gene Hazzard [genehazzard@gmail.com]; Sean Kennedy [sean@studiosk.net]; janice@greenaction.org; lily maciver [maciverlily@gmail.com]; Megan Prier [megprier@gmail.com]; Queen Thurston [qjetqueen@att.net]; Robert Soden [robert.soden@gmail.com]; Curtis Robinson [pastorcurt@thefaithbcofoakland.org]; Jessica Tovar [tovarj@oxy.edu]; Marisha Farnsworth [marisha@urbanbiofilter.org]; <kevin@urbanreleaf.org> [kevin@urbanreleaf.org]; Vivian A. Rodriguez [vivianrdz@berkeley.edu]; Dexter Vizenau (devizent@aol.com) [devizent@aol.com]; Lauren Westreich [lauren@everydog.com]; Cameron Wilson [cmn.wilson@gmail.com]; Walter Young [walyou@pacbell.net]; Will Scott [will@interfaithpower.org]; Xavier [Xavier.Johnson@mail.house.gov]; cpxw@hotmail.com; Zoe Woodcraft [zwoodcraft@earthjustice.org]; zurimaunder@yahoo.com; Zimpfer, Amy [Zimpfer.Amy@epa.gov]  
**Subject:** Fwd: [NCIO-Discuss] For West Oakland, an old army base could mean new pollution | Grist

FYI  
Ms.Margaret

----- Forwarded message -----

From: "Steve Ongerth" <[intexile@iww.org](mailto:intexile@iww.org)>  
Date: Jul 18, 2017 9:21 AM  
Subject: [NCIO-Discuss] For West Oakland, an old army base could mean new pollution | Grist  
To: <[ncio-discuss@googlegroups.com](mailto:ncio-discuss@googlegroups.com)>  
Cc:

<http://grist.org/justice/an-old-army-base-could-mean-new-pollution-for-beleaguered-residents-of-west-oakland/>

## For West Oakland, an old army base could mean new pollution

By [Emma Foehringer Merchant](#) Jul 18, 2017 5:00 am



Grist / Shutterstock

*Part of a series on communities overcoming obstacles to become cleaner and greener.*

A veil of dust covers the windowsills of Ray Kidd's home. Outside, in his backyard, particles coat a lemon tree, sticking to the fruit's pimpled, yellow skin.

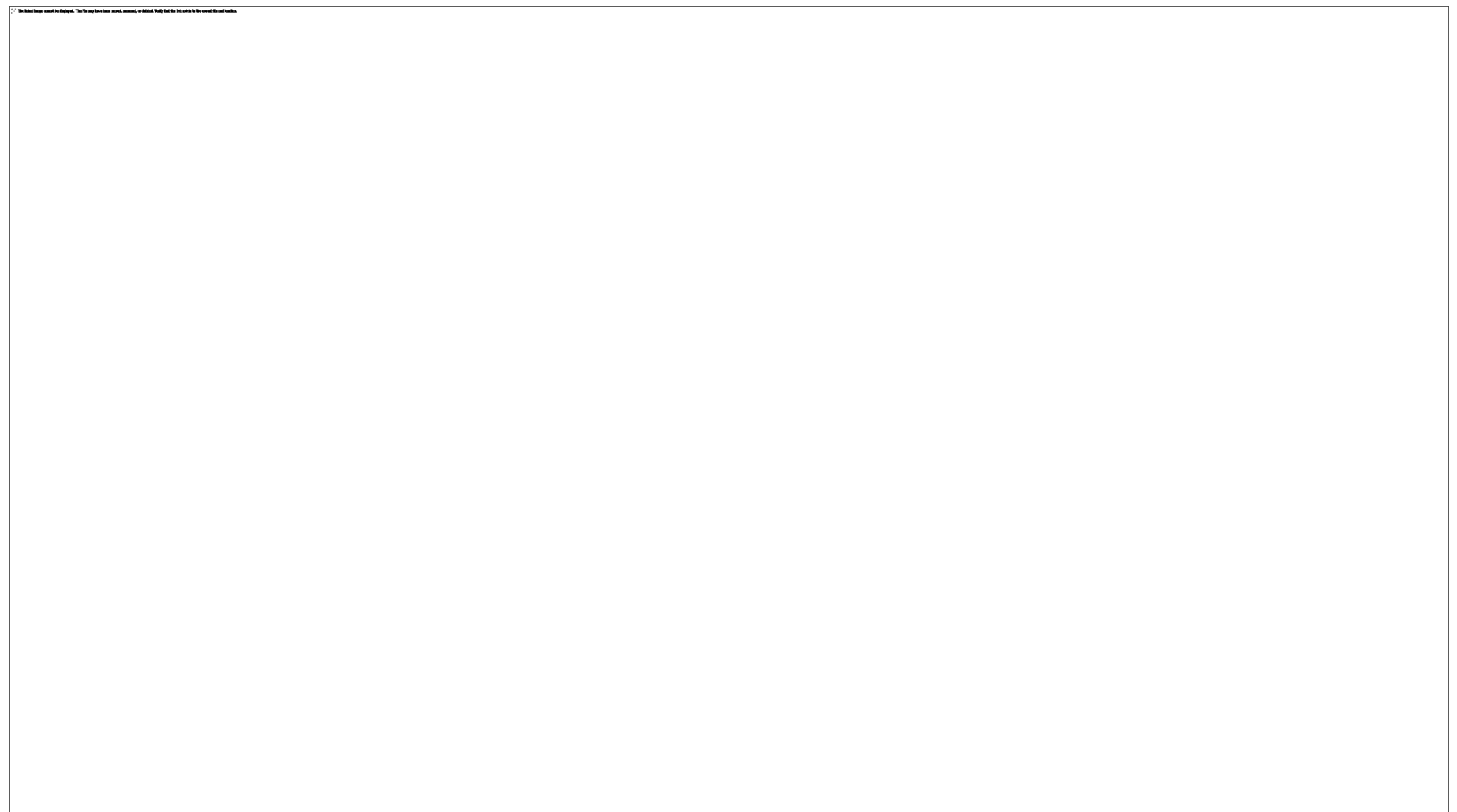
“Diesel pollution,” says the 72-year-old Kidd, who has lived in West Oakland since 1973. “It’s just pervasive.” Across town, close to Lake Merritt — a more affluent part of the city — his mother’s backyard lemon tree grows untarnished.

West Oakland sits directly across the water from San Francisco, putting it effectively in the center of the Bay Area. It’s bounded on all sides by freeways — the 880, 980, and 580 — and hugs the Port of Oakland. The bustling docks hold the distinction of being the city’s economic heartbeat, and its worst enemy.

Adjacent to the port is the former Oakland Army Base. The outpost was once “a city within the city,” says community activist Margaret Gordon, who lives nearby. It provided jobs and services, giving residents a reason to look past the diesel fog that spewed into the air from the base, the port, and the trucks that served each.

The base shuttered in 1999. For more than a decade, both the port and the city of Oakland, which divided the land, have contemplated how to use the 310 acres — twice the area of the Washington Mall. The city has considered a Costco, a casino, and an auto mall. At one point the famous Wayans brothers even proposed a movie studio and amusement park.

The city and port eventually settled on a mix of warehouse complexes and shipping infrastructure that will expand the capacity of the port — currently the fifth busiest in the country.



Many residents, including Kidd, saw the redevelopment as an opportunity to invest in West Oakland, where more than 30 percent of the residents live in poverty. “It seemed like the most reasonable thing to do,” says Kidd, who is part of the West Oakland Community Advisory Group.

But more warehouses and shipping mean more trucks, and that all leads to more pollution. Other residents opposed a plan that presented further risks to their health; West Oakland already has some of the highest asthma rates in the state.

Now that construction has started, it might be too late, says Brian Beveridge, who has lived in the area since being driven out of San Francisco by rising rents in the late ’90s. Local activists say their concerns about the redevelopment project continue to fall on deaf ears.

“Having a seat at the table doesn’t really mean anything,” Beveridge says, if decision-makers don’t listen. “That just means they let you in the room.”

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This spring, the West Oakland Environmental Indicators Project, a community group cofounded in 2004 by Beveridge and Margaret Gordon, reached its breaking point.

In April, the group filed a federal civil rights complaint against the city and the port.

Aided by attorneys at Earthjustice, the group alleged that the city of Oakland has, for decades, systematically ignored input from West Oakland residents, favoring industry over the community’s health.

Under Title VI of the U.S. Civil Rights Act, entities that receive money from the federal government, like the port and the city, cannot discriminate on the basis of race, color, or national origin. The Environmental Indicators Project claims that both the port and Oakland have violated that tenet by neglecting the concerns of residents in this historically African American enclave.

Eighty-five percent of West Oakland’s approximately 40,000 residents are people of color. For decades, they have coped with the fine diesel soot on their windows, fruit trees, and, more importantly, in their bodies. The number of emergency room visits due to asthma in West Oakland is nearly two times the rate of Alameda County as a whole.

Three generations of Gordon’s family have asthma. And Kidd talks about his neighbor’s daughter, whose breathing is fine when she stays with her mother in San Leandro, a city to the south of Oakland. But when she’s in West Oakland, she has to use a special device to help her breathe.



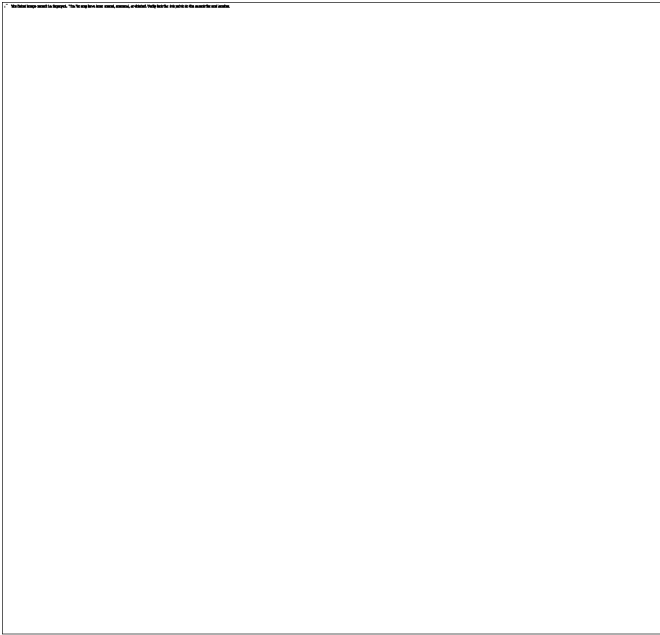
Margaret Gordon / Encore.org

“It’s a widespread problem,” said Kidd, who doesn’t experience breathing issues. “All you can do is sympathize.”

Air pollution-related deaths from heart disease, stroke, and lung cancer are higher in West Oakland than in both the city and county. A white child growing up in the Oakland Hills, living on its winding streets overlooking the Bay, can expect to live more than 12 years longer than a black child born in West Oakland, part of the city’s “flatlands.”

“West Oakland wasn’t a place that people were standing in line to live,” says a nearly 100-year-old member of the community advisory group who has lived in the area for more than a half-century (and asked to remain anonymous). She attributes a lot of the health problems in West Oakland to activity at the army base.

But it was just the beginning. In 1957, freeway construction obliterated whole blocks and physically divided the area. Over the next two decades, a giant post office distribution center and an elevated Bay Area Rapid Transit station wiped out more homes and businesses, including many along historic 7th Street.



A study mapped the prevalence of black carbon in the air around the Port of Oakland. The highest concentrations, denoted in black, were at the interface between the port and the community of West Oakland. / American Chemical Society

Today, while the shells of former warehouses have become art collectives, heavy industries like metal recycler Custom Alloy Scrap Sales, which Beveridge says supplies high-end car manufacturer Tesla, operate catty-corner from homes. And the port keeps hauling in cargo — 2.37 million 20-foot containers in 2016 — and shuttling trucks through West Oakland’s neighborhoods and onto the freeways.

The proximity of industry to homes naturally has its hazards: A study released in June, which used Google Street View cars to monitor air pollution for a full year, identified hotspots of black carbon throughout West Oakland’s neighborhoods. Black carbon is a tiny molecule found in soot, and a major contributor to climate change. In maps from the study, crimson lines denoting high black carbon levels follow the border that the port shares with adjacent communities.

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Even after the closing of the army base nearly two decades ago, the port has continued to shuttle big money through West Oakland. But little gets reinvested in the local economy, says Beveridge. Truckers may stop at a repair shop or a convenience store, but residents say the traffic makes it difficult for local businesses to thrive.

“It’s the economic engine of the region,” Beveridge says. “It’s just not the economic engine for West Oakland.”

Before it closed, the army base — which at one point employed 7,000 people — provided plenty of jobs for locals. The city has estimated its redevelopment project would bring thousands of new opportunities to an area that desperately needs economic investment.

But Beveridge, Gordon, and other residents worry that the promise of jobs is intended to assuage the community's environmental opposition. (Positions are not guaranteed to go to West Oakland residents though the city has a goal of hiring half employees from Oakland.) The city, the Environmental Indicators Project team asserts, refuses to adequately invest in a comprehensive analysis of the increased pollution from truck traffic and industry — or develop a plan for how to reduce emissions.

“I’ve seen the community used over and over again to get what other people want,” says the anonymous community advisory member, who is in her 90s. “Most other people have been winners. We’ve been losers.”

Other community members seem reluctantly supportive of any investment in West Oakland, even if it centers on industry.

Steve Lowe, a 77-year-old property developer and member of the community advisory group, says he’s “more or less” happy with the army base plan. But he, too, recognizes the environmental challenges facing the area — and supports calls for more air-quality monitoring and pollution mitigation. It’s not the first time the city has ignored input from West Oakland residents, he adds.

“Little by little,” Lowe says, “the ideas that we wanted to see happen were compressed, or eventually cut out.”

Oakland says it will use some federal funds for air-quality monitoring and environmental remediation. The last environmental review of the project, however, occurred before the city settled on logistics operations for its section of the site. Warehouses, like ports, attract a whole lot of vehicle traffic.

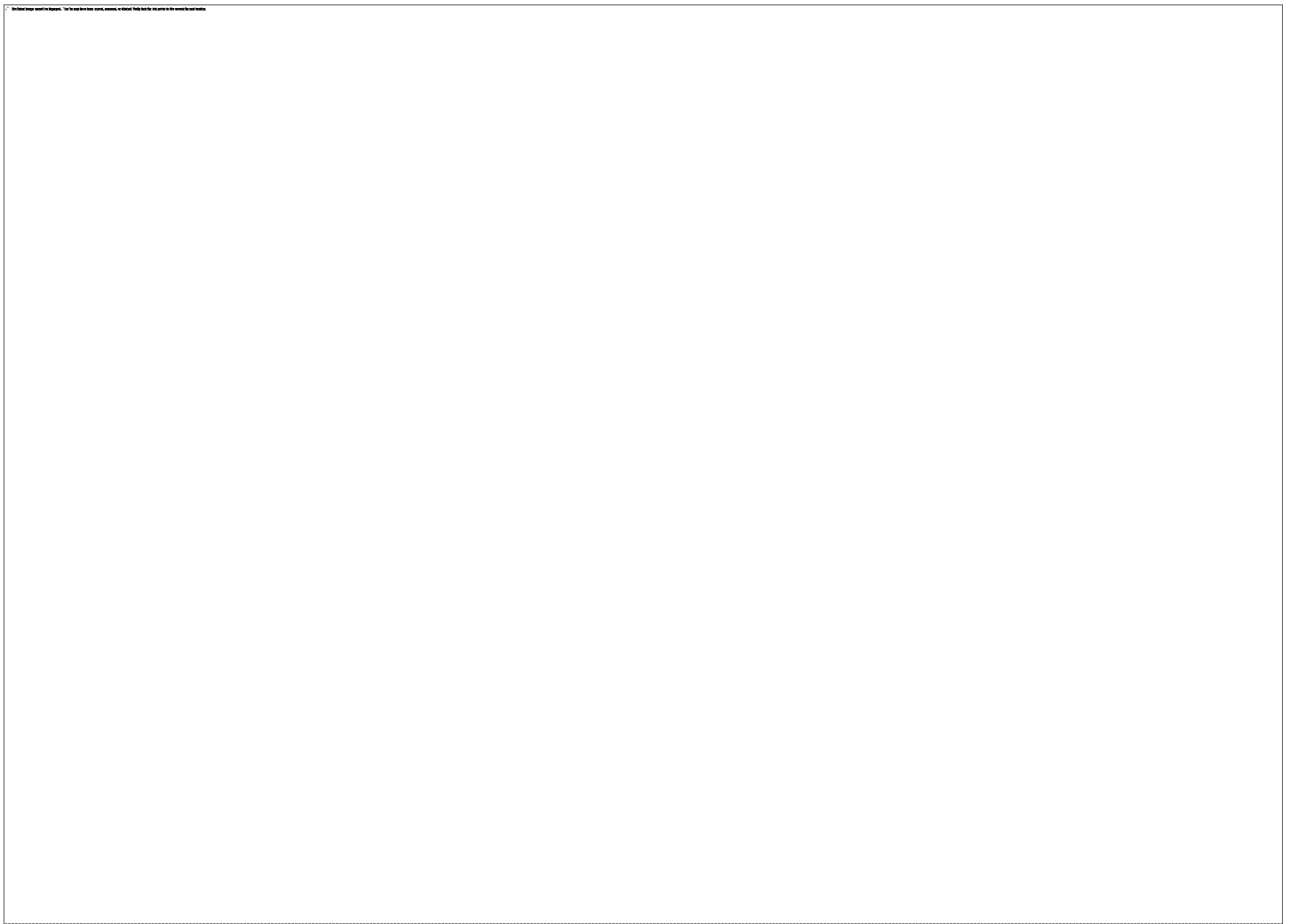
The mayor’s office did not comment before this piece was set to publish. But Mike Zampa, a spokesman for the Port of Oakland, says that over the years, it has upgraded to newer, cleaner trucks and reduced vehicle-idling time, so its operations emit less. Some residents also mentioned improvement in recent years.

“These folks are our neighbors,” he says. “We breathe the same air they do.”

Apart from cleaner air, residents simply want to see some response to the public health concerns they’ve lodged over the years. The civil rights complaint asks the U.S. Department of Transportation and the Environmental Protection Agency to investigate potential

discrimination. But under the Trump administration, the federal government's already dismal civil rights-investigation record is unlikely to improve.

Still, Earthjustice and the West Oakland Environmental Indicators Project say they're hopeful the complaint will jolt the city and port into taking their concerns more seriously.



Brian Beveridge stands at Middle Harbor Shoreline Park / Grist | Emma Foehringer Merchant

On a sunny Friday in June, Beveridge drives me down to the port in his white Ford pickup truck. “Usually there’s trucks in both lanes and in four directions,” he says above a classical symphony on the radio, as we turn towards the ocean.

A few minutes later, we stop at 38-acre Middle Harbor Shoreline Park, a slice of picturesque land sandwiched between port terminals where cranes stack royal blue, mustard, and rust-colored corrugated containers. The port built the park as part of its “Vision 2000” initiative, during an earlier expansion of operations. It opened in 2004.

“As beautiful as it is,” Beveridge says, standing in the grass and looking across the water to San Francisco, “it couldn’t be more surrounded by the port.”

Sent from my iPhone

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You received this message because you are subscribed to the Google Groups "NCIO Discuss" group. To unsubscribe from this group and stop receiving emails from it, send an email to [ncio-discuss+unsubscribe@googlegroups.com](mailto:ncio-discuss+unsubscribe@googlegroups.com).

To post to this group, send email to [ncio-discuss@googlegroups.com](mailto:ncio-discuss@googlegroups.com).

For more options, visit <https://groups.google.com/d/optout>.

Message

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**From:** LUEHE, DOUGLAS [luehe.douglas@epa.gov]  
**Sent:** 7/18/2017 12:31:43 AM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** Automatic reply: Attendees: Info on Friday Port mtg: Solutions for Reducing and Preventing Emissions at the Port of Oakland and Oakland Army Base Working Meeting

I'll be out of office from Monday, 17 July through Sunday, 23 July. I'll be checking e-mail intermittently during that time. If you need immediate assistance, please contact Ms. Abi Gaudario at

**Personal Matters / Ex. 6**

Message

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**From:** LUEHE, DOUGLAS [luehe.douglas@epa.gov]  
**Sent:** 7/17/2017 11:18:40 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** Re: Attendees: Info on Friday Port mtg: Solutions for Reducing and Preventing Emissions at the Port of Oakland and Oakland Army Base Working Meeting

Hi Richard,  
Don't remember thanking you for this background info. Great stuff!  
Productive meet last Friday?

.....  
Doug Luehe  
Chief of Staff, EPA R9

Sent from my iPhone

On Jul 11, 2017, at 2:46 PM, Grow, Richard <Grow.Richard@epa.gov> wrote:

Doug – Looking at the invitation list in the email, here's some background listed under their respective email addresses:

[abockelman@mtc.ca.gov](mailto:abockelman@mtc.ca.gov);

MTC is the Metropolitan Transportation Commission covering the entire Bay Area. I am not familiar with this person. The ED of MTC is Steve Heminger and I would not be surprised if he attended.

[cynthia.marvin@arb.ca.gov](mailto:cynthia.marvin@arb.ca.gov);

Cynthia Marvin is a Division Director at the Air Resources Board and long time ally at the Air Resources Board, in charge of all things freight, some toxics, and used to have most of the AB32 cap and trade program, now just the funding piece.

Karen Schkolnick <[kschkolnick@baaqmd.gov](mailto:kschkolnick@baaqmd.gov)>;

Not sure of Karen's role, but the BAAQMD seniors will be there, at least Damian Breen, Deputy Executive Officer working for Jack Broadbent, possibly Jack himself or other deputies (Jean Roggenkamp, Jim McKay)

[muntu.davis@acgov.org](mailto:muntu.davis@acgov.org); [anna.lee@acgov.org](mailto:anna.lee@acgov.org);

Dr. Muntu Davis is head of the Public Health Director and County Health Officer of Alameda County and has been an invaluable supporter of cleaning up the Port and OAB. Over the past few years ACPH has been a national leader on public health and its "social determinants". Anna Lee works for Dr. Davis and is my day to day working contact there, excellent.

[MDNichols@oaklandnet.com](mailto:MDNichols@oaklandnet.com)

Matt Nichols works out of the Mayor's office and is the "Policy Director, Transportation and Infrastructure, City of Oakland Mayor's Office." The Mayor has previously put him forward (to Alexis and myself) to deal with OAB issues but we have not been able to develop any constructive communications.

Not obvious why the City and not the Port, won't be surprised if the Port shows up.

Richard

---

**From:** Grow, Richard  
**Sent:** Tuesday, July 11, 2017 9:51 AM  
**To:** LUEHE, DOUGLAS <luehe.douglas@epa.gov>  
**Subject:** Info on Friday Port mtg: Solutions for Reducing and Preventing Emissions at the Port of Oakland and Oakland Army Base Working Meeting  
**Importance:** High

Doug – Here's the info on the Friday 12-2 meeting being convened by BAAQMD and Councilwoman Kaplan. I won't be coming in that day but will be coming to the meeting from Berkeley. The office is very close to the Oakland City Center BART station.

Richard

---

**From:** Aloha de Guzman [mailto:adeguzman@baaqmd.gov]  
**Sent:** Monday, July 10, 2017 4:03 PM  
**To:** abockelman@mtc.ca.gov; Grow, Richard <Grow.Richard@epa.gov>; cynthia.marvin@arb.ca.gov; Karen Schkolnick <kscholnick@baaqmd.gov>; muntu.davis@acgov.org; anna.lee@acgov.org; MDNichols@oaklandnet.com  
**Cc:** Sheng Thao <sthao@oaklandnet.com>; dbreen@baaqmd.gov; Maricela Martinez <mmartinez@baaqmd.gov>; Vanessa Johnson <vjohnson@baaqmd.gov>; Beba Sanchez <BSanchez@mtc.ca.gov>  
**Subject:** RE: Solutions for Reducing and Preventing Emissions at the Port of Oakland and Oakland Army Base Working Meeting  
**Importance:** High

Hello everyone,

Here is the address of the meeting location:

**ACTC**

**1111 Broadway, Oakland, CA 94607 -- Room D**

If you have any questions or concerns, please feel free to reach out to me or Ms. Kaplan's assistant Sheng Thao at [sthao@oaklandnet.com](mailto:sthao@oaklandnet.com) or 510-238-7082.

Thank you!

*Aloha de Guzman*  
Executive Secretary

Bay Area Air Quality Management District  
Executive Office  
375 Beale Street, Suite 600  
San Francisco, Ca 94105  
Office: 415.749.4782 | Cell: 415.745.5633  
[adeguzman@baaqmd.gov](mailto:adeguzman@baaqmd.gov)

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**From:** Aloha Galimba  
**Sent:** Wednesday, June 28, 2017 8:48 AM  
**To:** 'abockelman@mtc.ca.gov' <abockelman@mtc.ca.gov>; 'grow.richard@epa.gov'

001210 2020-10-29



<grow.richard@epa.gov>; 'cynthia.marvin@arb.ca.gov' <cynthia.marvin@arb.ca.gov>; Karen Schkolnick <kschkolnick@baaqmd.gov>; 'muntu.davis@acgov.org' <muntu.davis@acgov.org>; 'anna.lee@acgov.org' <anna.lee@acgov.org>

**Cc:** Sheng Thao <sthao@oaklandnet.com>

**Subject:** Solutions for Reducing and Preventing Emissions at the Port of Oakland and Oakland Army Base Working Meeting

Hello,

The Bay Area Air Quality Management District is inviting you – or a representative from your organization - to attend a working meeting on solutions for reducing emissions and health impacts in the West Oakland Community from current operations at the Port of Oakland and future operations at the former Oakland Army Base.

This meeting will be hosted by Oakland Council Member at Large, Rebecca Kaplan, at the Alameda County Transportation Commission, which is located at 11<sup>th</sup> and Broadway in Downtown Oakland on **Friday July 14, 2017 between 12 pm – 2 pm.**

The goal of this meeting is to devise a workplan that harnesses and coordinates the resources of the participating entities.

Please confirm your participation with me with a CC to Ms. Kaplan' assistant Sheng Thao at [Sthao@oaklandnet.com](mailto:Sthao@oaklandnet.com). If you have any questions or concerns, please feel free to reach out to me directly.

Thank you and have a great rest of the day!

Regards,

*Aloha de Guzman*  
Executive Secretary

Bay Area Air Quality Management District  
Executive Office  
375 Beale Street, Suite 600 | San Francisco, CA 94105  
Office: 415.749.4782 | Cell: 415.745.5633  
[agalimba@baaqmd.gov](mailto:agalimba@baaqmd.gov) | [www.baaqmd.gov](http://www.baaqmd.gov)

Message

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**From:** Damian Breen [dbreen@baaqmd.gov]  
**Sent:** 7/17/2017 5:23:17 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** RE: Port/OAB - presentation, Title VI

[http://www.alamedactc.org/app\\_pages/view/18](http://www.alamedactc.org/app_pages/view/18)

Damian Breen  
Deputy Air Pollution Control Officer  
Bay Area Air Quality Management District  
375 Beale Street, Suite 600  
San Francisco, CA 94105  
Tel: (415) 749-5041

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**From:** Grow, Richard [mailto:Grow.Richard@epa.gov]  
**Sent:** Monday, July 17, 2017 10:22 AM  
**To:** Damian Breen <dbreen@baaqmd.gov>  
**Subject:** Re: Port/OAB - presentation, Title VI

Damian - Thanks. BTW do you know the last name for Tess at ACTC ? I'm hoping to get an electronic copy of the 3 page handout ("Joint Alameda CTC, Port.....") document that was handed out. It looked to me like Tess had prepared it as requested by Kaplan. Richard

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**From:** Damian Breen <dbreen@baaqmd.gov>  
**Sent:** Monday, July 17, 2017 9:59 AM  
**To:** Grow, Richard  
**Subject:** RE: Port/OAB - presentation, Title VI

Richard,

Please find the presentation attached. Thanks for your clarification, I expect that as we work through the costs of the technology we will get some more clarity on its "availability" from our partners.

Thank you for participating in the meeting.

Damian Breen

Deputy Air Pollution Control Officer

Bay Area Air Quality Management District

375 Beale Street, Suite 600

San Francisco, CA 94105

Tel: (415) 749-5041

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**From:** Grow, Richard [<mailto:Grow.Richard@epa.gov>]

**Sent:** Friday, July 14, 2017 3:55 PM

**To:** Jack Broadbent <[jack@baaqmd.gov](mailto:jack@baaqmd.gov)>; Damian Breen <[dbreen@baaqmd.gov](mailto:dbreen@baaqmd.gov)>

**Subject:** Port/OAB - presentation, Title VI

Jack and Damian

Excellent presentation today, the discussion was quite constructive as well as revealing. I'm hoping you can share the Powerpoint so that I can share it with my management and staff involved in freight issues.

# Deliberative Process / Ex. 5

Thanks again.

Richard

Message

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**From:** Ralph Reynoso [rreynoso@portoakland.com]  
**Sent:** 5/17/2017 4:22:24 PM  
**Subject:** Port of Oakland Trucker Work Group Bulletin - The Countdown to compliance is on!  
**Attachments:** FL12 Spireon Trailer Tracking.pdf; Spireon HOS ELD HTA Presentation 2017 long version.pdf

Dear Motor Carriers and Stakeholders,

Sending out below message on behalf of Sprint. Also, attaching their presentation from our recent meeting.



Hello Logistic  
Companies!

If you are filing paper logs today, time is running out for compliance with the FMCSA Electronic Logging Device (ELD) mandate. Act now to avoid a last-minute scramble and start saving time, money, and lives today. And for a limited time you can get an additional \$30 on select ELD compliance solutions.

Sprint HOS ELD solutions can help your operation: 1) Comply with FMCSA ELD Mandate, 2) Reduce risk of fines, 3) Save time and money, 4) Reduce fuel costs & 5) Increase driver safety.

If you have any questions or would like to schedule an appointment for me to visit your business to discuss further, please contact me at the information below.

Best,

**Bevin White**  
Business Account Executive  
M: 925-852-7836  
[Bevin.White@sprint.com](mailto:Bevin.White@sprint.com)



#MoveForward



---

**From:** Ralph Reynoso [mailto:[rreynoso@portoakland.com](mailto:rreynoso@portoakland.com)]  
**Sent:** Tuesday, May 16, 2017 12:12 PM  
**To:** White, Bevin [SLS] <[Bevin.White@sprint.com](mailto:Bevin.White@sprint.com)>  
**Subject:** Read: Information for GPS, HOS & ELD!

Your message

To:  
Subject: Information for GPS, HOS & ELD!  
Sent: Tuesday, May 16, 2017 3:12:19 PM (UTC-05:00) Eastern Time (US & Canada)

was read on Tuesday, May 16, 2017 3:12:14 PM (UTC-05:00) Eastern Time (US & Canada).

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This e-mail may contain Sprint proprietary information intended for the sole use of the recipient(s). Any use by others is prohibited. If you are not the intended recipient, please contact the sender and delete all copies of the message.

Message

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**From:** Blazej, Nova [Blazej.Nova@epa.gov]  
**Sent:** 5/17/2017 4:15:51 PM  
**To:** Reyes, Deldi [Reyes.Deldi@epa.gov]; Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** Oakland: Brownfields Grants  
**Attachments:** brownfields grants.pdf

Let me know if you would like to check-in before I respond to her.

---

**From:** Farrell, Ericka  
**Sent:** Wednesday, May 17, 2017 8:57 AM  
**To:** Blazej, Nova <Blazej.Nova@epa.gov>  
**Cc:** Keeler, Katsumi <Keeler.Katsumi@epa.gov>  
**Subject:** Brownfields Grants

Hi Nova,

Freya Margand had requested some information from you for me on Brownfield grants rewarded to the City of Oakland. The grant links you sent are dated as far back as 2009 for distribution are those grants still distributing money as of today in 2017? There are current 2017 articles speaking about these Brownfield grants pertaining to the links you provided. Thank you for that. I am however, trying to decipher if that money is still being from one of these older grants or are they new? I have attached the news article. The news article gives me the impression that the City is still receiving funding from those grants. Are they still receiving funds or are the grant distribution completed? Or is EPA still providing some type of consultation services on these grants?

Thanks in advance for any assistance you can provide. Here are the links that you submitted to Freya on Brownfield Grants that went straight to the City of Oakland.

[Oakland, City of](#)

[Oakland, City of](#)

[Oakland, City of](#)

[Oakland, City of](#)

Ericka S. Farrell  
Case Manager  
External Civil Rights Compliance Office  
202-564-0717

Message

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**From:** Eady, Veronica@ARB [Veronica.Eady@arb.ca.gov]  
**Sent:** 5/16/2017 11:26:09 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**CC:** Reyes, Deldi [Reyes.Deldi@epa.gov]  
**Subject:** RE: Following up on EJ/T6 - documents

Richard,

It was great reconnecting with you all. And these documents will be very helpful. Since ARB is spread out at CalEPA (I'm on the 6<sup>th</sup> floor, while our legal team is on the 24<sup>th</sup> floor, two elevator banks away), I'm not physically close to our lawyers. As a result, I'm not sure who to talk to, apart from some great folks like Cynthia Marvin, who really gets EJ.

Thank you! I'm really looking forward to working with you all in Region 9. It's nice to have a support network!

I'll stay in close touch.

Be well,  
Veronica

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**From:** Grow, Richard [mailto:Grow.Richard@epa.gov]  
**Sent:** Tuesday, May 16, 2017 10:36 AM  
**To:** Eady, Veronica@ARB  
**Cc:** Reyes, Deldi  
**Subject:** Following up on EJ/T6 - documents

Veronica

Thank you so much for your visit here last week, it was not only great to have you here in person, but also fascinating observe my management and colleagues in presenting themselves. I'm optimistic that this will be the start of a long and productive relationship.

Following up on a some of Title VI topics that came up, I am attaching (1) EPA's letter to CARB resolving a long past T6 complaint ("CARE"), and in which EPA memorializes agreements regarding CARB procedures, (2) a 2010 T6 complaint filed by CRPE on the AB32 C&T program, (3) CRPE's petition to reconsider and (4) the recent West Oakland Title VI complaint.

For what it's worth, coming off of our Regions "lead region" role for Title VI within EPA, and Alexis Strauss's role in leading that engagement, we have learned quite a bit about the benefits, and even necessity, for coordinating our EJ, Title VI and core media work, and in many instances our NEPA (fed CEQA) work. Along those lines we have also sought to learn more about how California Code 11135, essentially California's Title VI, works in practice. One detail regarding last year's Kettleman City Title VI settlement that may have gotten lost is that the original Title VI complaint was filed simultaneously with a similar complaint under 11135.

Finally, I am also attaching a copy of EarthJustice's April 4 Title VI complaint regarding the Oakland Army Base in West Oakland. This issue has remained unresolved for such a long time, and I want to note that CARB, and Cynthia Marvin and her staff in particular, have been a valuable partner in dealing with this issue over the past many years.

Please feel free to call on me at any time to discuss any of these matters further.

Richard Grow



US EPA

Region 9

Office: (415) 947-4104

## **Personal Matters / Ex. 6**

Message

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**From:** Alison Kirk [AKirk@baaqmd.gov]  
**Sent:** 5/16/2017 11:19:05 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**CC:** David Vintze [DVintze@baaqmd.gov]; Marvin, Cynthia@ARB (cynthia.marvin@arb.ca.gov) [cynthia.marvin@arb.ca.gov]; Elizabeth Yura (eyura@arb.ca.gov) [eyura@arb.ca.gov]  
**Subject:** FW: BAAQMD piece of OAB January document ?  
**Attachments:** OAB LDDA Implementation Plan 9\_12\_16.docx

Yes, this is the document! I don't know anything about integration of the two documents, though.

Alison Kirk  
Senior Environmental Planner  
415-749-5169

---

**From:** Grow, Richard [mailto:Grow.Richard@epa.gov]  
**Sent:** Tuesday, May 16, 2017 12:40 PM  
**To:** Alison Kirk <AKirk@baaqmd.gov>  
**Cc:** David Vintze <DVintze@baaqmd.gov>; Marvin, Cynthia@ARB <cynthia.marvin@arb.ca.gov>; Yura, Elizabeth@ARB <eyura@arb.ca.gov>  
**Subject:** BAAQMD piece of OAB January document ?

Alison

Per Cynthia's note that the January document I circulated this morning is only the ARB piece, I'm trying to locate the BAAQMD contribution. Pls see the exchange below in which Dave and Patricia discussed an "integrated document." I can't find anywhere in my files a BAAQMD list or an integrated document, but I'm guessing the other document mentioned might be the document BAAQMD had developed as an outline of an implementation plan – i.e. the one Cynthia held up at the December 13 meeting. I've attached that document. Do you think this is the other of the "two documents" mentioned in Dave's note to Patricia ? or is there another BAAQMD list I/we should be looking at ?

Thanks

Richard

---

**From:** McGowan, Patricia [mailto:PMcGowan@oaklandnet.com]  
**Sent:** Monday, January 23, 2017 1:58 PM  
**To:** David Vintze <DVintze@baaqmd.gov>  
**Cc:** Marvin, Cynthia@ARB (cynthia.marvin@arb.ca.gov) <cynthia.marvin@arb.ca.gov>; Elizabeth Yura (eyura@arb.ca.gov) <eyura@arb.ca.gov>; Grow, Richard <Grow.Richard@epa.gov>; Lee, Anna, Public Health, CAPE (Anna.Lee@acgov.org) <Anna.Lee@acgov.org>  
**Subject:** RE: OAB Mitigation

Hello Dave,

I received your draft document and have sent it on to my colleagues here at the City and at the Port. When do you think we will receive the integrated document that you referenced? We want to make sure there is enough time for this to inform the next development plans.

Best regards,  
Pat

**Patricia McGowan**, Environmental Coordinator | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510) 238-3588 | Fax: (510) 238-6538 | Email: [PMcGowan@oaklandnet.com](mailto:PMcGowan@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

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**From:** David Vintze [<mailto:DVintze@baaqmd.gov>]

**Sent:** Friday, January 20, 2017 1:49 PM

**To:** McGowan, Patricia

**Cc:** Marvin, Cynthia@ARB ([cynthia.marvin@arb.ca.gov](mailto:cynthia.marvin@arb.ca.gov)); Elizabeth Yura ([eyura@arb.ca.gov](mailto:eyura@arb.ca.gov)); Grow, Richard ([Grow.Richard@epa.gov](mailto:Grow.Richard@epa.gov)); Lee, Anna, Public Health, CAPE ([Anna.Lee@acgov.org](mailto:Anna.Lee@acgov.org))

**Subject:** OAB Mitigation

Hi Pat,

Attached is the ARB supplement to the OAB mitigation document drafted by the Air District with stakeholder input that we discussed last week. We are in the process of integrating these two documents and would like to work with the City and Port on finalizing a consensus approach to resolving the community's and agency concerns with future development at OAB. We are awaiting the City and Port response to the issues discussed at the 12-13-16 meeting. Thanks, Dave

Dave Vintze  
Air Quality Planning Manager  
Bay Area Air Quality Management District  
375 Beale Street, Suite 600  
San Francisco, California 94105

415-749-5179 Office

**Personal Matters / Ex. 6**

[www.baaqmd.gov](http://www.baaqmd.gov)

Achieving the Bold Vision for the Oakland Army Base  
While Protecting Public Health in the West Oakland Community

Lease Disposition & Development Agreement  
Mitigation Monitoring & Reporting Program  
Implementation Plan

September 12, 2016

Chapter 1: Introduction

- 1.1 Purpose of the Implementation Plan
- 1.2 Goal of the Implementation Plan
- 1.3 Definition of Terms
- 1.4 Oakland Army Base Air Quality Requirements

Chapter 2: Integration with the Port of Oakland Maritime Operations

- 2.1 Port of Oakland Requirements in the Oakland Army Base
- 2.2 Coordination between Port and OAB
- 2.3 Demonstration Projects
- 2.4 MAQIP Commitments

Chapter 3: Development Standards for Infrastructure and Buildings

- 3.1 Objectives
- 3.2 LDDA/MMRP Requirements
- 3.3 Performance Measures
  - 3.3.1 Construction Equipment
  - 3.3.2 Infrastructure & Buildings
  - 3.3.3 Landscaping and Building Maintenance Equipment
  - 3.3.4 Existing Sensitive Receptors Offsite

Chapter 4: Heavy-Duty Trucks, Drayage Trucks, and Cargo Handling Equipment (CHE)

- 4.1 Objectives
- 4.2 LDDA/MMRP Requirements
- 4.3 Performance Measures
  - 4.3.1 Heavy Duty Truck Diesel Emission Reduction Program
    - 4.3.1.1 On-Road Trucks
    - 4.3.1.2 Transportation Refrigeration Units
    - 4.3.1.3 Cargo Handling Equipment (CHE)
    - 4.3.1.4 Diesel Engine Idling
    - 4.3.1.5 Alternative-Fuel Infrastructure
  - 4.3.2 Demonstration Projects
    - 4.3.2.1 Zero and Near-Zero Emissions
    - 4.3.2.2 Alternative Fuel Demonstration
    - 4.3.2.3 Additional Demonstration Projects

## Chapter 5: Ocean-Going Vessels and Harbor Craft

- 5.1 Objectives
- 5.2 LDDA/MMRP Requirements
- 5.3 Performance Measures
  - 5.3.1 Ocean-Going Vessels and Harbor Craft Standards
    - 5.3.1.1 Engine & Fuel
    - 5.3.2.1 Shore Power
    - 5.3.1.3 Air Quality Impact Fees
  - 5.3.2 Demonstration Projects

## Chapter 6: Locomotives and Supporting Equipment

- 6.1 Objectives
- 6.2 LDDA/MMRP Requirements
- 6.3 Performance Measures
  - 6.3.1 Rail Emission Reduction Program
    - 6.3.1.1 Rail Switch Engine Modernization
    - 6.3.1.2 Yards and Supporting Equipment
    - 6.3.1.3 Class 1 Line-Haul
  - 6.3.2 Demonstration Projects
    - 6.3.2.1 Electrification Projects
    - 6.3.2.2 Hybrid Projects
    - 6.3.2.3 Locomotive Retrofit Projects
- 6.4 Demonstration Projects

## Chapter 7: Commuters

- 7.1 Objectives
- 7.2 LDDA/MMRP Requirements
- 7.3 Performance Measures
  - 7.3.1 Commuter Benefits Program
  - 7.3.2

## Chapter 1: Introduction

### 1.1. Purpose of the Plan

The purpose of this Operations Plan is to establish policies for the operations of commercial, industrial, and any other land uses on the former Oakland Army Base (OAB) property. All new development shall be constructed to be consistent with the Construction Management Plan. All operations actions shall be consistent with this Operations Plan.

These strategies are consistent with the City of Oakland and the Port of Oakland commitments to “utilize state-of-the-art, high-density, green electric-powered container handling equipment” and that “all of the proposed terminal equipment represents the cleanest available technology for rail yard activity and the movement of containers between drayage truck and railcars.” (A Bold Vision: Redeveloping the Former Oakland Army Base).

These same mitigation measures require that these plans and programs be periodically reviewed and updated every one to three years to include an “assessment of any potential new strategies, a reassessment of funding requirements, technical feasibility, and cost benefit assumptions”, amongst other things. These update requirements acknowledge that the development of new lower emission technologies for these types of sources is evolving and this periodic review is critical to ensure that the lowest emission technology is advanced through demonstration projects and utilized now and in the future at the OAB.

Any construction activities to take place after the beginning of the operations phase shall refer to the Construction Management Plan for policies and practices.

### 1.2 Goal and Objectives of the Plan

#### Goal

1. Successful and health-protective implementation of the City of Oakland approved *Standard Conditions of Approval and Mitigation Monitoring and Reporting Program* (the “Mitigation Program”) for the Oakland Army Base Project.

#### Objectives

Throughout the operations phase of the Oakland Army Base Project:

1. Operations meet the spirit and letter of the Mitigation Program.
2. Results are measurable, quantifiable, and readily available.
3. Health of nearby workers and residents (“community members”) is protected.
4. New capacity created by the redevelopment of the Oakland Army Base does not result in worse health outcomes for community members.

### 1.3 Definition of Terms

Sensitive Receptor:

Land uses serving sensitive receptors: Residences, schools, hospitals, day cares, nursing care facilities, playgrounds, and parks.

Community members: Any individual, who works, plays or lives in the vicinity of the Oakland Army Base and the Port of Oakland.

#### 1.4 List of LDDA/MMRP Requirements

The following air quality Mitigation Measures apply to the operations phase of the Project. Please see the Standard Conditions of Approval and Mitigation Monitoring and Reporting Program document (Appendix 1) for the full text of the Mitigation Measures:

Mitigation 4.4-3a: Port to develop and implement a criteria pollutant reduction program to reduce emissions from maritime and rail operations.

Mitigation 4.4-3b: The City to administer a West Gateway Rail and Maritime Emissions Reduction Program.

Mitigation 4.4-4: The City and Port to jointly create, maintain, and fund on a fair share basis, a truck diesel emission reduction program.

Mitigation 4.4-5: City and Port to work with major developers to fund BAAQMD Transportation Control Measures.

Mitigation 4.4-6: City and Port to make sure buildings are compliant with Title 24. Additionally, the City and Port shall implement sustainable development policies and strategies related to new development design and construction.

Mitigation Measure 5.4-1: City and Port to encourage, lobby, and potentially participate in emission reduction demonstration projects that promote technological advances in improving air quality.

SCA AIR-3: Exposure to Air Pollution (Toxic Air Contaminants: Particulate Matter) incorporate health-protective measures into project design in order to reduce the potential health risk due to exposure to diesel particulate matter (PM) both inside buildings and out-of-doors.

SCA GCC-1: Greenhouse Gas (GHG) Reduction Plan: The Goal of this Plan shall be to increase energy efficiency and reduce GHG emissions by at least 20 percent with a goal of 36 percent below the project's "adjusted" baseline GHG emissions.

## Chapter 2: Integration with the Port of Oakland Maritime Operations

### 2.1 Port of Oakland Requirements in the Oakland Army Base

### 2.2 Coordination between the Port and OAB

### 2.3 Demonstration Projects

### 2.4 MAQIP Requirements

## Chapter 3: Development Standards for Infrastructure and Buildings

### 3.1 Objectives

Throughout the operations phase of the Oakland Army Base Project:

1. Operations meet the spirit and letter of the Bold Vision/LDDA/MMRP.
2. Results are measurable, quantifiable, and readily available.
3. Health of workers and nearby residents (“community members”) is protected.

### 3.2 LDDA/MMRP Requirements

Mitigation 4.4-6: Title 24 of the International Building Code (IBC) requires that new construction include energy-conserving fixtures and designs. Additionally, the City and Port shall implement sustainable development policies and strategies related to new development design and construction.

SCA AIR-3: Exposure to Air Pollution (Toxic Air Contaminants: Particulate Matter (PM)) incorporate health-protective measures into project design in order to reduce the potential health risk due to exposure to diesel particulate matter (PM) both inside buildings and out-of-doors.

SCA GCC-1: Greenhouse Gas (GHG) Reduction Plan: The Goal of this Plan shall be to increase energy efficiency and reduce GHG emissions by at least 20 percent with a goal of 36 percent below the project’s “adjusted” baseline GHG emissions.

### 3.3 Performance Measures

Below are measures that are necessary to protect public health. Similar measures appear in the City of Oakland’s Standard Conditions of Approval, the *Maritime Air Quality Improvement Plan* (MAQIP) and air quality mitigation measures in the Environmental Impact Report for 2013 *Plan Bay Area*. When measures are adapted from specific sources, these are noted in parenthesis.

#### 3.3.1 Construction Equipment

#### 3.3.2 Infrastructure and Buildings

Buildings shall meet LEED Platinum certification standards .....

All buildings shall provide sources of energy. Solar, wind, mechanical, tidal or solar generated hydrogen systems will be investigated to determine their feasibility.

Air filtration systems shall be installed in all buildings to reduce cancer risks and to reduce particulate matter (PM) exposure to customers and workers. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building’s HVAC air filtration system shall be required. (City of Oakland Standard Condition of Approval)

Any industrial and commercial land uses that require truck loading docks must include electrical outlets. These outlets would give truck operators, whose trucks are equipped to utilize grid power, the ability to shut off main engines while maintaining power to the refrigeration systems and other internal systems, such as air conditioning in the truck cab.

#### 3.3.3 Landscaping and Building Maintenance Equipment

The developer shall be required to plant trees and/or vegetation throughout the OAB. Trees that are best suited to trapping PM shall be planted, including one or more of the following: Pine (*Pinus nigra*



*var. maritima*), Cypress (*X Cupressocyparis leylandii*), Hybrid poplar (*Populus deltoids X trichocarpa*), and Redwoods (*Sequoia sempervirens*). (Plan Bay Area)

### 3.3.4 Existing Sensitive Receptors Offsite

All existing land uses serving sensitive receptors within XXX feet of the Project boundaries shall be equipped with HEPA air filtration systems rated MERV 13 or better. The Port and City will establish a fund and contribute on a fair share basis to the cost of installing and maintaining the MERV 13 systems and provide educational materials to owners and occupants explaining how to maximize the benefits of these systems.

## Chapter 4: Heavy-Duty Trucks, Drayage Trucks, and Cargo Handling Equipment (CHE)

### 4.1 Objectives

Throughout the operations phase of the Oakland Army Base Project:

1. Operations meet the spirit and letter of the Mitigation Program.
2. Results are measurable, quantifiable, and readily available.
3. Health of nearby workers and residents (“community members”) is protected.
4. New capacity created by the redevelopment of the Oakland Army Base does not result in worse health outcomes for community members.

### 4.2 LDDA/MMRP Requirements

Mitigation 4.4-4: The City and Port to jointly create, maintain, and fund on a fair share basis, a truck diesel emission reduction program.

Mitigation Measure 5.4-1: City and Port to encourage, lobby, and potentially participate in emission reduction demonstration projects that promote technological advances in improving air quality.

SCA AIR-3: Exposure to Air Pollution (Toxic Air Contaminants: Particulate Matter) incorporate health-protective measures into project design in order to reduce the potential health risk due to exposure to diesel particulate matter (PM) both inside buildings and out-of-doors.

SCA GCC-1: Greenhouse Gas (GHG) Reduction Plan: The Goal of this Plan shall be to increase energy efficiency and reduce GHG emissions by at least 20 percent with a goal of 36 percent below the project’s “adjusted” baseline GHG emissions.

### 4.3. Performance Measures

#### 4.3.1 Heavy Duty Truck Diesel Emission Reduction Program

To meet the requirements of the City Council approved Mitigation Plan, the City and Port must reduce emissions at the OAB property *beyond* what is required by CARB regulations.

Below are measures that will help the City and Port meet the requirements of the Mitigation Plan and protect public health. Similar measures appear in documents such as the *Maritime Air Quality Improvement Plan* (MAQIP) and air quality mitigation measures in the Environmental Impact Report for 2013 *Plan Bay Area*. When measures are adapted from specific sources, these are noted in parenthesis. See the Appendices for a more information about these sources.

#### 4.3.1.1 On-Road Truck Standards

All trucks entering the Project site must meet 2010 or newer truck standards and must be equipped to utilize grid power and plug into electrified loading docks.

#### 4.3.1.2 Refrigeration Truck Standards

All refrigeration trucks shall meet Tier 4 standards.

#### 4.3.1.3 Cargo-Handling Equipment Standards (CHE)

All CHE will be zero emissions technology-battery/electrical power or fuel cell. This is consistent with the *A Bold Vision's* commitment to utilize state-of-the-art, high-density, green electric-powered container handling equipment.

Until 100 percent of the CHE equipment is zero emissions at the OAB site, all CHE with engines >750 hp will meet at a minimum the USEPA Tier 4 off-road engine standards.

#### 4.3.1.4 Idling Rules

All trucks shall be prohibited from idling more than two minutes when loading and unloading, staging or when not in active use for extended periods of time. Exemptions from the two-minute idling rule would be allowed when required for safety or when equipment is in use. (Plan Bay Area)

An appointment system shall be implemented that minimizes truck idling and queuing for the movement of containers.

#### 4.3.1.5 Alternative-Fuel Infrastructure

Develop alternative-fuel infrastructure at the Port. For example, a phase-in program deploying natural gas drayage trucks shall be implemented at the start of operations. (SCIG Letter)

#### 4.3.2 Demonstration Projects

Below are various programs that can be implemented to reach the goals of the mitigation measures. In consultation with regional agencies and stakeholders, the City and Port shall implement an appropriate number of programs to achieve emissions benefits that meet the Goal and the Objectives of this Plan.

As a guide, consider the San Pedro Ports Technology Advancement Program (TAP). TAP is a joint program of the Ports of Long Beach and Los Angeles through the Ports' joint Clean Air Action Plan (CAAP) adopted in 2006. The CAAP guides the Ports in their commitment to reduce the health risks and air emissions associated with port-related operations, while allowing port development and growth to continue. The CAAP focuses on near-term strategies, targeting significant reductions in diesel PM, nitrogen oxides (NOx), and sulfur oxides (SOx).

Combined, the Ports' allocate 3 million annually to new programs identified through TAP. The Ports maximize the effectiveness of this investment by leveraging the Ports' funding with contributions from stakeholder agencies, including the U.S. EPA Regional 9, the California Air Resources Board (CARB) and the local air district, the South Coast Air Quality Management District (SCAQMD). Further, a minimum 50 percent co-funding contribution is required by the project applicant for all TAP projects.

Below are suggestions for appropriate programs, which include the source of the program, if any. Other sources for suggestions include mitigations suggested by CARB to rail operations and California air districts (See Appendix for full text of these letters).

#### 4.3.2.1 Zero and Near-Zero Emissions

A minimum one year demonstration, prior to 2020, of zero and near-zero emission truck technology. This demonstration project shall be conducted in cooperation with regional and state agencies and stakeholders. (SCIG Letter)

For example, the TAP program funded the Balqon E-30 electric Terminal Tractor Development and Demonstration Project. This vehicle was built as a demonstration vehicle and designed specifically for drayage operations. The prototype E-30 all-electric terminal tractor successfully completed cargo terminal tests in 2008.

Following the completion of cargo terminal tests during 2008, the Los Angeles Harbor Commission approved the purchase of 20 electric trucks from the manufacturer as part of the “Green Terminal” program. The Green Terminal program will also include the production of five on-road electric trucks.

This demonstration project was followed with a project to evaluate and demonstrate a lithium-ion battery as a technological upgrade to the lead-acid battery pack used in the previous TAP demonstration. The advanced technology lithium-ion batteries were anticipated to provide more than double the vehicle range, without adding additional weight. A one-day demonstration of the Nautilus E30 confirmed a range of over 150 miles on a single charge with unloaded conditions at 80% depth of discharge. However, this project was never completed.

Other examples of zero and near-zero projects through the TAP:

- Capacity Plug-In Hybrid Electric Terminal Tractor (2010)

The TAP program conducted a three-week trial of a diesel-electric plug-in hybrid terminal tractor that uses a small diesel generator and a large lead-acid battery pack to provide power for vehicle operation. While this demonstration showed a 44 percent reduction in NOx emissions and a 56 percent reduction in PM emissions, compared to 2009 diesel yard tractors, the demonstration utilized a Tier 4-interim generator drive engine, and therefore does not meet CARB’s Cargo Handling Equipment regulation of Tier 4 engines.

- Hybrid Yard Tractor Development & Demonstration (2010)

A different TAP study investigated the feasibility and commercial viability of using advanced technology drive systems in cargo handling equipment. The three hybrid yard hostlers underwent six months of operation and in-use testing and were able to perform all the tasks required of yard hostlers in real-world port operations, and were well accepted by drivers and maintenance staff. Fuel economy and emissions benefits were evaluated, but a difference discovered in the mechanical specifications of the vehicles limited comparability. Based on all the evaluations and analyses conducted, the hybrid system is estimated to provide a 12 percent to 18 percent improvement in fuel economy. Further development of the hybrid system is underway in an effort to improve fuel economy and emissions reductions. A follow-up study was conducted entitled “Hybrid Yard Tractor Development and Demonstration – Beta Test”.

#### 4.3.2.2 Alternative Fuel Demonstration

The TAP program has tested a variety of fuel technologies that the City can expand on with further research, demonstration, and deployment. Below are some of the TAP projects that can be used as a spring board to develop new knowledge about the use of alternative fuel.

- Alternative Petroleum Technologies (APT) Emulsified Biodiesel Fuel Demonstration (2011)

To demonstrate the viability and effectiveness of the emulsified biodiesel fuel in cargo handling equipment, APT performed a two-phased demonstration that consisted of an evaluation of the emulsified fuel with and without a diesel oxidation catalyst (DOC) in a laboratory setting and a real-time demonstration of the fuel in yard equipment at a port terminal.

The demonstration successfully proved that APT's emulsified B-20 blend mitigated an increase in NOx emissions, while also providing additional reductions in PM when coupled with a verified diesel emissions control system. This provides port drayage operators an alternative fuel selection for their existing fleet of container yard equipment.

As of April 2014, APT planned to pursue CARB verification of the emulsified biodiesel fuel for sale to existing cargo handling equipment fleet operations in the State.

- Liquefied Natural Gas Yard Tractor Demonstration (2007)

This Project was designed to develop, test and design a business case for LNG yard tractors. Phase 1 focused on development of LNG yard tractor specifications, procurement, and installation of temporary LNG refueling. Phase 2 included operation of the LNG yard tractors at a marine terminal for a period of eight months. Phase 3 of the project was the development of a business case assessment to determine the cost effectiveness and return on investment of using LNG equipment as opposed to diesel.

During emissions testing, the LNG yard tractor produced lower PM emissions than on-road diesel engine equipped with a diesel oxidation catalyst and closed crankcase ventilation system. However, NOx emissions from the LNG yard tractor were approximately 21 percent higher than NOx emissions from this same on-road diesel engine configuration.

#### 4.3.2.3 Additional Demonstration Projects

- Investigate renewable energy generation via mechanical systems that utilize truck weight to generate electricity.
- A "virtual container yard" system that integrates truck movements with container moves to minimize emissions and maximize efficient use of trucking fleets.
- Further study of truck duty cycles or other in-use studies. For example, the TAP program funded a study of drayage duty-cycles to better understand drayage truck emissions. TAP also funded a development of a drayage truck chassis dynamometer test cycle.

## Chapter 5: Ocean-Going Vessels and Harbor Craft

### 5.1 Objectives

Throughout the operations phase of the Oakland Army Base Project:

1. Operations meet the spirit and letter of the Mitigation Program.
2. Results are measurable, quantifiable, and readily available.
3. Health of nearby workers and residents (“community members”) is protected.
4. New capacity created by the redevelopment of the Oakland Army Base does not result in worse health outcomes for community members.

### 5.2 LDDA/MMRP Requirements

Mitigation 4.4-3a: Port to develop and implement a criteria pollutant reduction program to reduce emissions from maritime and rail operations.

Mitigation 4.4-3b: The City to administer a West Gateway Rail and Maritime Emissions Reduction Program.

Mitigation Measure 5.4-1: City and Port to encourage, lobby, and potentially participate in emission reduction demonstration projects that promote technological advances in improving air quality.

SCA GCC-1: Greenhouse Gas (GHG) Reduction Plan: The Goal of this Plan shall be to increase energy efficiency and reduce GHG emissions by at least 20 percent with a goal of 36 percent below the project’s “adjusted” baseline GHG emissions.

### 5.3 Performance Measures

To meet the requirements of the City Council approved Mitigation Plan, the City and Port must reduce emissions at the OAB property *beyond* what is required by CARB regulations.

Below are measures that will help the City and Port meet the requirements of the Mitigation Plan and protect public health. Similar measures appear in documents such as the *Maritime Air Quality Improvement Plan* (MAQIP). When measures are adapted from specific sources, these are noted in parenthesis. See the Appendices for a more information about these sources.

#### 5.3.1 Ocean-Going Vessels and Harbor Craft Standards

##### 5.3.1.1 Reduce Emissions

Prior to 2019, all harbor craft accessing the new OAB port facilities will meet USEPA Tier 2 standards (or cleaner), or equivalent reductions.

By 2019, all harbor craft accessing the new OAB port facilities will be repowered with Tier 3 engines or zero emissions technology-battery/electrical power or fuel cell.

NOx emissions will be treated with selective catalytic reductions. For example, implement emission reduction control measures to replace tugboat engines with low NOx technology (for example, through the expansion of the existing cargo handling equipment re-powering and retrofitting program, part of the Berths 55-58 Project air quality mitigation program).

Require ocean-going vessel use Low Sulfur Fuel for auxiliary engines and boilers and main engines during approach and departure from the port, or require use of natural gas or electrical power for main and auxiliary engines during approach and departure.

#### 5.3.1.2 Shore Power

Install shore-powered dockside electrical pumps for tankers, which reduce onboard pumping loads (typically these pumps are driven by steam power).

All tugs accessing the new OAB port facilities will use shore power while at the port. By 2014, 60 percent, and by 2020, 95 percent of ships that enter the Port area shall implement shore power. (MAQIP)

#### 5.3.1.3 Implementation of Fees

Ships that enter the Port area shall pay emissions-based berthing fees or other user fees. (MAQIP, Supplement No. 1). The fees shall be used to reduce emissions and exposure in West Oakland.

#### 5.3.2 Demonstration Projects

In consultation with regional agencies and stakeholders, the City shall implement an appropriate number of programs to achieve emissions benefits that meet the Goal and the Objectives of this Plan.

As a guide, consider the San Pedro Ports Technology Advancement Program (TAP). TAP is a joint program of the Ports of Long Beach and Los Angeles through the Ports' joint Clean Air Action Plan (CAAP) adopted in 2006. The CAAP guides the Ports in their commitment to reduce the health risks and air emissions associated with port-related operations, while allowing port development and growth to continue. The CAAP focuses on near-term strategies, targeting significant reductions in diesel PM, nitrogen oxides (NOx), and sulfur oxides (SOx).

Combined, the Ports' allocate 3 million annually to new programs identified through TAP. The Ports maximize the effectiveness of this investment by leveraging the Ports' funding with contributions from stakeholder agencies, including the U.S. EPA Regional 9, the California Air Resources Board (CARB) and the local air district, the South Coast Air Quality Management District (SCAQMD). Further, a minimum 50 percent co-funding contribution is required by the project applicant for all TAP projects.

Below are examples of appropriate programs that the City and Port can expand on with further research, demonstration, and deployment.

- ACTI Advanced Maritime Emission Control System (AMECS) Project (2008)

ACTI developed the AMECS as an alternative pollution control method for ocean-going vessels that are not configured to use shore power, also known as "cold ironing", while at berth. The goal was to demonstrate pollution reduction efficiencies equal to cold ironing for nitrogen oxides (NOx), sulfur oxides (SOx), and particulate matter (PM). The AMECS was demonstrated at Metropolitan Stevedore/Port of Long Beach on multiple vessels with varying exhaust stack configurations. During the demonstration period, two full-scale emission reduction efficiency tests were conducted, the results of

which were independently verified by two testing laboratories. During emissions testing, NOx and PM emissions were reduced by 99 percent and 95.5 percent, respectively. In addition, sulfur oxides (SOx) were reduced by 99 percent, and volatile organic compound (VOC) emissions were reduced by greater than 97 percent. Further demonstration of this technology is necessary to determine how it functions in day-to-day operations, including evaluation of costs, durability, integration into operations.

- APL Singapore Slide Valve & Water-In-Fuel (WiFE) Emulsion Demonstration Program (2009)

Two emission control technologies were demonstrated - the use of slide valves in the vessel's main engines, and water-emulsified bunker fuel using an innovative onboard water in fuel emulsifier. The primary objectives of the demonstration projects were to a) evaluate the particulate matter (PM) emission reduction effectiveness of retrofitting OGV main engines with an improved injector design known as a slide valve; and b) demonstrate demand-based onboard water in fuel emulsification system and measure the NOx reduction effectiveness of varying the water content.

Project test conditions resulted in an evaluation that indicated the benefits of slide valves appear to be limited. Testing of the WiFE system aboard the APL Singapore showed water concentrations as high as 48 percent were successfully demonstrated, yielding NOx reductions on the order of 30 percent. A further study was completed in 2012.

- Bluefield Holdings Krystallon Ocean Going Vessel Scrubber (2013)

The primary focus of this project was to demonstrate the reduction of emissions of sulfur oxides (SOx) from an Ocean Going Vessel using an exhaust gas cleaning device to meet the International Maritime Organization (IMO) fuel sulfur limits in Emission Control Areas (ECA) and further to reduce particulate matter (PM), and volatile organic compound (VOC) emissions. This project demonstrated the potential for PM and SOx reductions that can be achieved through OGV retrofit using commercially available scrubbing technology. Additional research is needed further evaluate the potential for OGV engine emission reductions from scrubbers on main engines to comply with IMO ECA regulations.

- Foss Maritime Green Assist™ Hybrid Tugboat (2010)

Foss Maritime developed this diesel electric hybrid tugboat and named it the *Carolyn Dorothy*. The *Carolyn Dorothy* became a full working member of the Foss Maritime tug fleet on March 1, 2009. Since this time, the hybrid tug demonstrated performance comparable to a conventional Dolphin Class tugboat. The hybrid tugboat achieved emission reductions that exceed original targets (to reduce both NOx and PM by approximately 44 percent) when compared with the Dolphin tugs currently operating in the San Pedro Bay. The *Carolyn Dorothy* reduced PM, NOx and CO2 emissions by 73 percent, 51 percent and 27 percent, respectively. Based on this evaluation, there is evidence that this technology reduces fuel consumption by approximately 20 to 30 percent.

- OGV Slide Valve Low-Load Emissions Evaluation (2013)

This project is a follow up to the 2008 demonstration of a slide-type fuel valves, and sought to test a new type of OGV main engine fuel valve (SV C36) designed to improve combustion properties by eliminating sac volume (i.e., fuel drips) at the valve nozzle. The elimination of the sac volume results in lower fuel oil consumption. In addition, slide valve nozzles incorporate an optimized spray pattern designed to improve the combustion process - this is intended to reduce overall emissions, including

hydrocarbon, NOx and particulate matter. The visible smoke level is also greatly reduced as a result of the improved combustion. Among other findings, results showed that SV C26 nozzles did emit less diesel particulate matter (DPM) at low loads compared to the two conventional fuel valve configurations. At low loads, SV emits up to 50 percent less DPM than conventional C3 and C11 fuel valves and up to 65 percent less DPM for cylinder-lubrication-corrected particulate-emission results. Overall, SV C26 nozzles emit over 90 percent less total hydrocarbons compared to the two conventional fuel valve configurations.

## Chapter 6: Locomotives, Rail Yards and Supporting Equipment

### 6.1 Objectives

Throughout the operations phase of the Oakland Army Base Project:

1. Operations meet the spirit and letter of the Mitigation Program.
2. Results are measurable, quantifiable, and readily available.
3. Health of nearby workers and residents (“community members”) is protected.
4. New capacity created by the redevelopment of the Oakland Army Base does not result in worse health outcomes for community members.

### 6.2 LDDA/MMRP Requirements

Mitigation 4.4-3a: Port to develop and implement a criteria pollutant reduction program to reduce emissions from maritime and rail operations.

Mitigation 4.4-3b: The City to administer a West Gateway Rail and Maritime Emissions Reduction Program.

Mitigation Measure 5.4-1: City and Port to encourage, lobby, and potentially participate in emission reduction demonstration projects that promote technological advances in improving air quality.

SCA GCC-1: Greenhouse Gas (GHG) Reduction Plan: The Goal of this Plan shall be to increase energy efficiency and reduce GHG emissions by at least 20 percent with a goal of 36 percent below the project’s “adjusted” baseline GHG emissions.

### 6.3 Performance Measures

To meet the requirements of the City Council approved Mitigation Plan, the City and Port must reduce emissions at the OAB property *beyond* what is required by CARB regulations.

Below are measures that will help the City and Port meet the requirements of the Mitigation Plan and protect public health. Similar measures appear in documents such as the *Maritime Air Quality Improvement Plan* (MAQIP) and mitigations suggested by CARB to rail operations and California air districts for specific projects. When measures are adapted from specific sources, these are noted in parenthesis. See the Appendices for a more information about these sources.

#### 6.3.1 Rail Emission Reduction Program

##### 6.3.1.1 Rail Switch Engine Modernization



All switch engines shall meet Tier 4 emissions standards beginning in 2016. (ARB SCIG Letter; MAQIP)

Prior to 2016, repowered Tier 2 switch locomotive engines with “Tier 3-plus” engines to meet Tier 3 NOx emission standard of 5.0 g/bhp-hr and Tier 4 PM emission standard of 0.03 g/bhp-hr) may be utilized.

All switch engines will have 15-minute idling limit devices installed and operational and use emulsified fuels as available or other equivalently clean alternative diesel fuel.

#### 6.3.1.2 Yards and Supporting Equipment

The new intermodal rail yard shall be electrified. All the mobile cargo handling equipment will be electric equipment. (ARB Lathrop Letter; MAQIP)

The mobile cargo handling equipment, such as gantry cranes, shall meet zero emission standards when the technology is available. (ARB Lathrop Letter; MAQIP)

#### 6.3.1.3 Class 1 Line-Haul

All line-haul locomotives that serve the new intermodal rail yard shall meet Tier 3 standards and meet a goal of 95 percent of locomotives attaining Tier 4 standards by 2020. (ARB Lathrop Letter; MAQIP)

No non-essential idling. Class 1 helper locomotives will be turned off while on OAB properties. If, for safety reasons, helper locomotives need to be on then they will meet similar controls as line haul locomotives.

#### 6.3.2 Demonstration Projects

In consultation with regional agencies and stakeholders, the City shall implement an appropriate number of programs to achieve emissions benefits that meet the Goal and the Objectives of this Plan.

As a guide, consider the San Pedro Ports Technology Advancement Program (TAP). TAP is a joint program of the Ports of Long Beach and Los Angeles through the Ports’ joint Clean Air Action Plan (CAAP) adopted in 2006. The CAAP guides the Ports in their commitment to reduce the health risks and air emissions associated with port-related operations, while allowing port development and growth to continue. The CAAP focuses on near-term strategies, targeting significant reductions in diesel PM, nitrogen oxides (NOx), and sulfur oxides (SOx).

Combined, the Ports’ allocate 3 million annually to new programs identified through TAP. The Ports maximize the effectiveness of this investment by leveraging the Ports’ funding with contributions from stakeholder agencies, including the U.S. EPA Regional 9, the California Air Resources Board (CARB) and the local air district, the South Coast Air Quality Management District (SCAQMD). Further, a minimum 50 percent co-funding contribution is required by the project applicant for all TAP projects.

Below are examples of appropriate programs that the City and Port can implement to meet the requirements of the mitigation measures.

##### 6.3.2.1 Electrification Projects

The Port and City shall require that feasibility studies of electrification of freight/passenger rail from Port intermodal yards to the Bay Area Air Quality Management District's boundaries shall be conducted in conjunction with the Metropolitan Transportation Commission, Capital Corridor JPA, Union Pacific, and Burlington Northern Santa Fe railroads. The study shall be completed by 2020.

#### 6.3.2.2 Hybrid Projects

Research and funds shall be used to identify and test hybrid diesel electric locomotives.

#### 6.3.2.3 Locomotive Retrofit Projects

Demonstration of a locomotive DOC or DPF retrofits.

### Chapter 7: Commuters

#### 7.1 Objectives

Throughout the operations phase of the Oakland Army Base Project:

1. Operations meet the spirit and letter of the Mitigation Program.
2. Results are measurable, quantifiable, and readily available.
3. Health of nearby workers and residents ("community members") is protected.
4. New capacity created by the redevelopment of the Oakland Army Base does not result in worse health outcomes for community members.

#### 7.2 LDDA/MMRP Requirements

Mitigation 4.4-5: City and Port to work with major developers to fund BAAQMD Transportation Control Measures.

SCA GCC-1: Greenhouse Gas (GHG) Reduction Plan: The Goal of this Plan shall be to increase energy efficiency and reduce GHG emissions by at least 20 percent with a goal of 36 percent below the project's "adjusted" baseline GHG emissions.

#### 7.3 Performance Measures

Mitigation Measure 4.4-5 requires the City, Port, and private developers whose subsequent redevelopment activity would generate more than 20,000 square feet of employment-generating land uses, or that would generate 100 or more local jobs, fund on a fair share basis Transportation Control Measures (TCMs) for reducing vehicle emissions from commercial, institution, and industrial operations.

This measure also requires that each major developer to fund its fair share of TCMs. See the Mitigation Plan for a full list of TCMS, which are very similar to the items described in 7.3.1 below.

##### 7.3.1 Design and Implement a Commuter Benefits Program

In order to meet these commitments, the City, Port, and private developers need to form a committee to address these commitments and assign a representative to the committee. Committee representatives will include two West Oakland community members, an employee representative, and a representative from the port and from the City.

Note that all employers with 50 or more full-time employees in the Bay Area are subject to the Bay Area Commuter Benefits Program (BAAQMD regulation 14, Rule 1). For more information, please see [ [HYPERLINK "https://commuterbenefits.511.org"](https://commuterbenefits.511.org) ]

#### 7.3.1.1 Features of a Commute Benefits Program.

To meet the requirements of Mitigation Measure 4.4-5, a Commute Benefits Program shall address the following issues.

- Design (see also Chapter 3: New Buildings, Existing and New Neighbors)

Design and locate buildings to facilitate transit access, e.g., locate building entrances near transit stops, and eliminate building setbacks. Construct transit facilities such as bus turnouts/bus bulbs, benches, shelters, and improving transit bus service to the area. Provide on-site services, such as cafeterias, banks, dry cleaners, and convenience market so that employees can walk to these services. Include bicycle and pedestrian facilities in the design.

- Transit, Bicycle and Pedestrian Access

Include sidewalks, multi-use paths and bike lanes in the project design. Provide secure, weather-protected bicycle parking for employees. Provide showers and lockers for employees bicycling or walking to work. Provide safe, direct access for bicyclists to adjacent bicycle routes. 1. Provide direct, safe, attractive pedestrian access from project to transit stops and adjacent development.

- Manage Travel Demand and Provide Transit Service

Encourage OARB sub-district tenants to use carpools, vanpools, and public transit by providing incentives. Provide a shuttle to and from the West Oakland BART station. Establish mid-day shuttle service for worksite to food service establishments/commercial areas. Provide preferential parking for carpool and vanpool vehicles. Implement parking fees for single occupancy vehicle commuters.

## Chapter 8: New, Existing and Neighboring Stationary Sources

### 8.1 Applicable Objectives

Throughout the operations phase of the Oakland Army Base Project:

1. Operations meet the spirit and letter of the Mitigation Program.
2. Results are measurable, quantifiable, and readily available.
3. Health of nearby workers and residents (“community members”) is protected.
4. New capacity created by the redevelopment of the Oakland Army Base does not result in worse health outcomes for community members.

### 8.2 Applicable Mitigation Measures

Mitigation 4.4-6: City and Port to make sure buildings are compliant with Title 24. Additionally, the City and Port shall implement sustainable development policies and strategies related to new development design and construction.

Mitigation Measure 5.4-1: City and Port to encourage, lobby, and potentially participate in emission reduction demonstration projects that promote technological advances in improving air quality.

SCA AIR-3: Exposure to Air Pollution (Toxic Air Contaminants: Particulate Matter) (includes indoor air quality and outdoor...for indoor it is either do the study and add stuff if needed, or just add stuff)

SCA GCC-1: Greenhouse Gas (GHG) Reduction Plan: The Goal of this Plan shall be to increase energy efficiency and reduce GHG emissions by at least 20 percent with a goal of 36 percent below the project’s “adjusted” baseline GHG emissions.

### 8.3 Actions to Meet Mitigation Measures

To meet the requirements of the City Council approved Mitigation Plan, the City and Port must reduce emissions at the OAB property *beyond* what is required by CARB and BAAQMD regulations.

Below are measures that will help the City and Port meet the requirements of the Mitigation Plan and protect public health at new, existing and neighboring stationary sources. Similar measures have been advocated by U.S. EPA, BAAQMD and the Alameda Public Health Department for this project and other projects. When measures are adapted from specific sources, these are noted in parenthesis. See the Appendices for a more information about these sources.

#### 8.3.1 New Stationary Sources

On the OAB property, new stationary sources that are added as part of the project must reduce emissions beyond what is required by CARB and BAAQMD, whenever possible. For example, the cleanest available stand-by diesel generators and portable generators will be required.

The City and Port shall fund this on a fair share basis.

#### 8.3.2. Existing and Neighboring Facilities

Recycling facilities, metal melting facilities that include re-melting furnaces for the melting of alloys, within the Port, the OAB project area, and within 1,000 feet of the West Oakland community shall meet the best available control technology (BACT). Contact the BAAQMD for more information.

#### 8.4 Performance Measures

To meet the required mitigation measures, the Mitigation and Monitoring Report (Report) will document activity during the monitoring period, including:

1. Documentation that the city and port have funded the research and replacement of existing facilities that threaten public health.
2. Information about the replacement of existing polluting sources.
3. The cost, emission reductions achieved and other details about the replacement of existing polluting sources.
4. Documentation that new sources are cleaner than required.

Message

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**From:** Ralph Reynoso [rreynoso@portoakland.com]  
**Sent:** 5/16/2017 7:10:40 PM  
**Subject:** Port of Oakland TWG Bulletin - DrayQ

Attention Motor Carriers & Stakeholders,

DrayQ Oakland is now online. We apologize for the extended downtime.

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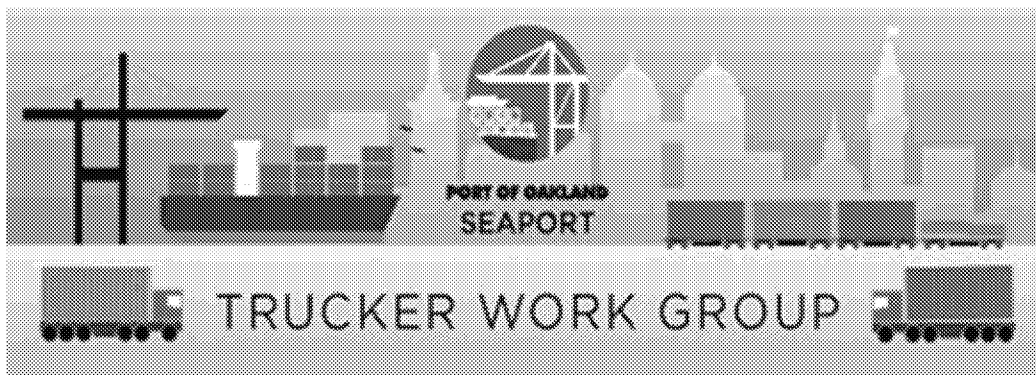
**From:** Ralph Reynoso  
**Sent:** Wednesday, March 22, 2017 3:33 PM  
**Subject:** Port of Oakland TWG Bulletin - DrayQ

Attention Motor Carriers & Stakeholders,

DrayQ Oakland is currently offline due to technical issues. The technical issues are being addressed and the system is expected to be back online shortly. We apologize for any inconvenience.

<http://www.portofoakland.com/view-terminal-status-download-drayqtm-application/>

Thank You,  
Port of Oakland  
Maritime Division



Message

---

**From:** Marvin, Cynthia@ARB [cynthia.marvin@arb.ca.gov]  
**Sent:** 5/16/2017 7:10:05 PM  
**To:** Alison Kirk [akirk@baaqmd.gov]; 'Lee, Anna, Public Health, CAPE' [anna.lee@acgov.org]; Yura, Elizabeth@ARB [eyura@arb.ca.gov]; Grow, Richard [Grow.Richard@epa.gov]; David Vintze [dvintze@baaqmd.gov]  
**Subject:** [SPAM] Re: Please advise: Oakland OAB/Seaport mitigation list - OK to share ?

Richard,

The attachment is just the one from ARB. Im finewith this going to Margaret and Brian --frankly I thought it had last year -- with the caveat that this is essentially a compilation of recommendations we've made on a variety of other proposed freight projects. Some may not be relevant (or go far enough) for OAB. This should not be used or cited in anylegal proceedings.

Need to add the Bay Area document as well if the District is comfortable and can provide the appropriate caveats.

Cynthia

On May 16, 2017 at 11:36:46 AM PDT, Grow, Richard <Grow.Richard@epa.gov> wrote:

Cynthia, Elizabeth, Alison, Dave, Anna –

Yesterday I became aware that (1) WOEIP was unaware whether the agencies had ever put forward what we had been referring to as a “list” of mitigation measures for the Port/OAB and (2) the list circulated among the agencies last January (attached) is still, in some form, in play among the agencies and in discussions with the City. That list went to the City at almost the same time the City issued their January 23 letter basically avoiding responding to the plain request put to them by EPA at the December 13 meeting, which probably contributed to my viewing most of what transpired during that week as having been wiped off the slate. Obviously incorrect.

I would like to let WOEIP know that not only such a list exists, but also share that list with them, acknowledging that it was “draft” and that the agency thinking has undoubtedly evolved some since then. If you prefer, I can see holding off on that for a couple days, or perhaps providing a later version if one becomes available, soon. The only course I see as untenable is one in which the community is allowed to continue to believe no such lists exist.

This isn't our (EPA's) document, so I don't feel free to do this without your OK. Your thoughts, advice, would be much appreciated.

Thanks

Richard



Message

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**From:** Yura, Elizabeth@ARB [eyura@arb.ca.gov]  
**Sent:** 5/16/2017 7:05:37 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]; Marvin, Cynthia@ARB [cynthia.marvin@arb.ca.gov]; David Vintze [DVintze@baaqmd.gov]; Alison Kirk [AKirk@baaqmd.gov]; 'Lee, Anna, Public Health, CAPE' [Anna.Lee@acgov.org]  
**Subject:** RE: Please advise: Oakland OAB/Seaport mitigation list - OK to share ?

Hi all,

In early Feb, Anna noted in an email to Dave and I that Brian and Ms. Margaret weren't on the email discussion chain re: OAB mitigation measures, and asked if we and BA were ok if she sent that info to them. From my email records, Dave and I said ok. Anna, do you recall if the draft docs got sent along to WOEIP? If not, I think we'd still be ok sending along the January draft, as long as it is caveated that it was/is "draft", and it was our initial thoughts on mitigation measures based on previous comments ARB has given on other freight related development projects.

Elizabeth Yura  
Chief, Emissions Assessment Branch  
California Air Resources Board  
Direct: (916) 322-8277  
Branch Line: (916) 323-4327  
[Elizabeth.Yura@arb.ca.gov](mailto:Elizabeth.Yura@arb.ca.gov)

---

**From:** Grow, Richard [mailto:Grow.Richard@epa.gov]  
**Sent:** Tuesday, May 16, 2017 11:37 AM  
**To:** Marvin, Cynthia@ARB; Yura, Elizabeth@ARB; David Vintze; Alison Kirk; 'Lee, Anna, Public Health, CAPE'  
**Subject:** Please advise: Oakland OAB/Seaport mitigation list - OK to share ?

Cynthia, Elizabeth, Alison, Dave, Anna –

Yesterday I became aware that (1) WOEIP was unaware whether the agencies had ever put forward what we had been referring to as a "list" of mitigation measures for the Port/OAB and (2) the list circulated among the agencies last January (attached) is still, in some form, in play among the agencies and in discussions with the City. That list went to the City at almost the same time the City issued their January 23 letter basically avoiding responding to the plain request put to them by EPA at the December 13 meeting, which probably contributed to my viewing most of what transpired during that week as having been wiped off the slate. Obviously incorrect.

I would like to let WOEIP know that not only such a list exists, but also share that list with them, acknowledging that it was "draft" and that the agency thinking has undoubtedly evolved some since then. If you prefer, I can see holding off on that for a couple days, or perhaps providing a later version if one becomes available, soon. The only course I see as untenable is one in which the community is allowed to continue to believe no such lists exist.

This isn't our (EPA's) document, so I don't feel free to do this without your OK. Your thoughts, advice, would be much appreciated.

Thanks

Richard

Message

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**From:** Reyes, Deldi [Reyes.Deldi@epa.gov]  
**Sent:** 5/16/2017 5:52:01 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** RE: Following up on EJ/T6 - documents

I know! Who knew? Gretchen!

---

**From:** Grow, Richard  
**Sent:** Tuesday, May 16, 2017 10:36 AM  
**To:** Veronica.Eady@arb.ca.gov  
**Cc:** Reyes, Deldi <Reyes.Deldi@epa.gov>  
**Subject:** Following up on EJ/T6 - documents

Veronica

Thank you so much for your visit here last week, it was not only great to have you here in person, but also fascinating observe my management and colleagues in presenting themselves. I'm optimistic that this will be the start of a long and productive relationship.

Following up on a some of Title VI topics that came up, I am attaching (1) EPA's letter to CARB resolving a long past T6 complaint ("CARE"), and in which EPA memorializes agreements regarding CARB procedures, (2) a 2010 T6 complaint filed by CRPE on the AB32 C&T program, (3) CRPE's petition to reconsider and (4) the recent West Oakland Title VI complaint.

For what it's worth, coming off of our Regions "lead region" role for Title VI within EPA, and Alexis Strauss's role in leading that engagement, we have learned quite a bit about the benefits, and even necessity, for coordinating our EJ, Title VI and core media work, and in many instances our NEPA (fed CEQA) work. Along those lines we have also sought to learn more about how California Code 11135, essentially California's Title VI, works in practice. One detail regarding last year's Kettleman City Title VI settlement that may have gotten lost is that the original Title VI complaint was filed simultaneously with a similar complaint under 11135.

Finally, I am also attaching a copy of EarthJustice's April 4 Title VI complaint regarding the Oakland Army Base in West Oakland. This issue has remained unresolved for such a long time, and I want to note that CARB, and Cynthia Marvin and her staff in particular, have been a valuable partner in dealing with this issue over the past many years.

Please feel free to call on me at any time to discuss any of these matters further.

Richard Grow  
US EPA  
Region 9  
Office: (415) 947-4104

**Personal Matters / Ex. 6**

Message

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**From:** Richard Sinkoff [rsinkoff@portoakland.com]  
**Sent:** 1/3/2018 8:20:49 PM  
**To:** Brian Beveridge [brian.woeip@gmail.com]  
**CC:** margaret.woeip@gmail.com; Scott McCreary [scott@concurinc.net]; Laura Arreola [larreola@portoakland.com]; Catherine Mukai [cmukai@portoakland.com]; Amy Tharpe [atharpe@portoakland.com]; Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** RE: Maritime Air Quality Improvement Plan Update: Task Force engagement

Hi Brian,

Thanks so much for getting back to me so quickly. Much appreciated.

How does 1:30 p.m.-2:30 p.m. work for you and Ms. Margaret on Monday, January 8? Would you and Ms. Margaret like to come to the Port office at 530 Water Street or would you prefer that we meet at WOEIP offices?

Best,  
Richard

p.s. I will see what I can muster up in the kitchen for our meeting on Monday! Do you like ginger?

**From:** Brian Beveridge [mailto:brian.woeip@gmail.com]  
**Sent:** Tuesday, January 02, 2018 7:40 PM  
**To:** Richard Sinkoff <rsinkoff@portoakland.com>  
**Cc:** margaret.woeip@gmail.com; Scott McCreary <scott@concurinc.net>; Laura Arreola <larreola@portoakland.com>; Catherine Mukai <cmukai@portoakland.com>; Amy Tharpe <atharpe@portoakland.com>; Richard Grow <grow.richard@epa.gov>  
**Subject:** Re: Maritime Air Quality Improvement Plan Update: Task Force engagement

Hi Richard

Happy New Year! I saw that you were doing some baking over the holidays! Where's my slice?

Ms. Margaret and I have discussed our potential participation in the MAQIP Update Task Force and we would meet with your team to discuss our concerns about the process going forward. I won't go into detail here, but we have a clear and finite list of issues that we feel need to be addressed before this can be a successful update process for all stakeholders.

We are available next week, Monday, Wednesday or Thursday after 1pm. We would like to have Richard Grow sit in as an observer, but we will leave our EarthJustice lawyers at home, if the Port agrees to do the same.  
regards, Brian

"(Community) resilience can be understood as place-based cultural practice that defines how residents survive in neighborhoods that already look broken, yet function due to existing social networks, tacit knowledge, and local histories." - Hector Fernando Burga

BRIAN BEVERIDGE, Co-Director  
West Oakland Environmental Indicators Project  
349 Mandela Pkwy.  
Oakland, Ca. 94607  
510-257-5645  
[WWW.WOEIP.ORG](http://WWW.WOEIP.ORG)

On Tue, Jan 2, 2018 at 3:16 PM, Richard Sinkoff <[rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com)> wrote:

Good afternoon Ms. Margaret and Brian,

First, Happy New Year! I hope that you both enjoyed a beautiful New Year's celebration (and Ms. Margaret, a beautiful birthday too!)

I am reaching out to see if you might have some time to meet Scott McCreary and the Port (Laura, Catherine and I) to chat about your interest in serving on the MAQIP Task Force.

The Port is reconvening the Task Force in January, February, March 2018 to consider emissions reduction measures to achieve the -85% diesel particulate matter (DPM) reduction goal.

I know that Scott reached out to Ms. Margaret about two weeks ago and that Ms. Margaret expressed her views and concerns regarding the Task Force.

I hope that we can meet to discuss your concerns and reflect these in the planning for the MAQIP Update.

I look forward to hearing from you at your earliest convenience.

Best always,

Richard

Richard Sinkoff

Director of Environmental Programs and Planning

Port of Oakland

510-627-1182

rsinkoff@portoakland.com

Message

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**From:** Brian Beveridge [brian.woeip@gmail.com]  
**Sent:** 1/3/2018 3:40:16 AM  
**To:** rsinkoff@portoakland.com  
**CC:** margaret.woeip@gmail.com; Scott McCreary [scott@concurinc.net]; Laura Arreola [larreola@portoakland.com]; Catherine Mukai [cmukai@portoakland.com]; Amy Tharpe [atharpe@portoakland.com]; Grow, Richard [Grow.Richard@epa.gov]  
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Best always,

Richard

Richard Sinkoff

Director of Environmental Programs and Planning

Port of Oakland

510-627-1182

[rsinkoff@portoakland.com](mailto:rsinkoff@portoakland.com)

Message

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**From:** McGowan, Patricia [PMcGowan@oaklandnet.com]  
**Sent:** 8/16/2017 10:51:37 PM  
**To:** Brian Beveridge [brian.woeip@gmail.com]; Margaret Gordon [margaret.woeip@gmail.com]; Robyn Hodges [rehher123@gmail.com]; Ken Houston [sonofOakland@gmail.com]; Jess Dervin-Ackerman [Jess@sfbaysc.org]; Jahmese Myres [jahmese@workingeastbay.org]; Gene Hazzard [genehazzard@gmail.com]; Ray Kidd [kidd@att.net]; Steve Lowe [ewolnephets@sbcglobal.net]; Kate O'Hara [kate@workingeastbay.org]; Mark McClure [mmclure@californiagroup.com]; Megan Morodomi [mmorodomi@californiagroup.com]; Cory Chung [cchung@prologis.com]; Jeff Major [jeffmajor@yahoo.com]; Maile Smith [Maile.smith@ngem.com]; James Heilbronner [jamesh@archdim.com]; Joanne Park [joannep@archdim.com]; Brent Bucknum [brent@hyphae.net]; Bill Aboudi [bill@oaklandmss.com]; Momina Jalil [momina@cecginc.com]; jrbroadbent@baaqmd.gov; Henry Hilken [Hhilken@baaqmd.gov]; Alison Kirk [akirk@baaqmd.gov]; Jean Roggenkamp [jroggenkamp@baaqmd.gov]; David Vintze [DVintze@baaqmd.gov]; Cynthia Marvin [cynthia.marvin@arb.ca.gov]; Robbie Morris [robbie.morris@arb.ca.gov]; Richard Boyd [richard.boyd@arb.ca.gov]; Elizabeth Yura [elizabeth.yura@arb.ca.gov]; Grow, Richard [Grow.Richard@epa.gov]; Anna Lee [Anna.lee@acgov.org]; Rebecca Flournoy [rebecca.flournoy@acgov.org]; Stuart Sonnenburg [stuart.sonnenburg@dot.gov]; McElhaney, Lynette [lmcElhaney@oaklandnet.com]; Cook, Brigitte [BCook@oaklandnet.com]; Wald, Zachary [ZWald@oaklandnet.com]; Kaplan, Rebecca [RKaplan@oaklandnet.com]; Thao, Sheng [SThao@oaklandnet.com]; Davenport, Kevin [KDavenport@oaklandnet.com]; Cole, Doug [DCole@oaklandnet.com]; Cappio, Claudia [CCappio@oaklandnet.com]; Monetta, John [JMonetta@oaklandnet.com]; Ranelletti, Darin [DRanelletti@oaklandnet.com]; McGowan, Patricia [PMcGowan@oaklandnet.com]; Spoerl, Peter [PSpoerl@oaklandcityattorney.org]; rsinkoff@portoakland.com; Diane Heinze [dheinze@portoakland.com]; Andrea Gardner [agardner@portoakland.com]  
**Subject:** Agenda and Information for OAB Stakeholder meeting August 23, 2017  
**Attachments:** Agenda Aug 23 2017 Stakeholder Meeting.pdf; Construction AQ Plan v2 08 03 17.pdf; Response to Comments on Admin Draft Const AQ Plan SE and Central GW.pdf

Hello OAB Stakeholders,

Attached please find the agenda for the Stakeholder meeting next week. I have also attached the AQ plan which was distributed for public review on August 4, 2017 (attached herein just for convenience since it's the same one you received via e-mail on August 4) and a memo which summarizes some of the key components of this Plan. Some of you have e-mailed with questions about the Plan and I apologize for my delayed or lack of response; I was out on vacation. I hope this e-mail and the attachments will respond to your questions.

I'd would also like to provide some context about the draft air quality plan which was distributed for public review on August 4, 2017.

This is the third air quality plan that we have reviewed. The first was in 2013 and it was for the construction of the new roads, utilities and general infrastructure including upper Maritime Road, Burma Road, the road out to the future East Bay Regional Park (Gateway Park) etc. The second was for the construction of the first Prologis building on the Northeast Gateway site. And now this is the third one, and it will be used to guide the construction of the remaining two Prologis sites, called the Southeast Gateway and the New Central Gateway. There is a site plan on page 2 of the Plan showing the location of these sites.

Each time the plans have started with the City's list of conditions related to improving air quality during construction and the list of recommendations from the BAAQMD in the CEQA Guidelines. Then the applicant prepared a plan based on these lists of specific actions and additional air quality measures which the applicant proposed. At that point, the plans were released for public review, per the MM PO-1, and comments were received from yourselves: the agencies, the WOEIP and other stakeholders. The City and the applicant then worked on the plans again, sometimes with meetings with the agencies, e-mails, discussions, etc. And then another version, or versions, of the plan were submitted for the City to consider.



The Plans were enhanced by adding more measures to reduce emissions from construction equipment and reduce air quality impacts during construction. The comments of the agencies and the stakeholders were considered, studied and evaluated, and revised Plans were ultimately approved by the City Administrator.

Now we have the third such Plan to reduce emissions and air quality impacts during the construction of remaining two Prologis sites. The applicant submitted the Plan to the City in March 2017. Knowing that the agencies and stakeholders have already done a lot of work giving comments on the past two such Plans, the City undertook more staff work on this Plan before we started the official public review per MM PO-1. Staff worked on an administrative draft Plan with the applicant, and then had a staff-to-staff working session on the administrative draft in May. Discussions and comments from that meeting were subsequently considered and studied by the applicant and City staff. And now a Plan has been submitted which is ready for the official public review period, as outlined in MM PO-1.

So as to facilitate your review of this Plan, I have attached a table which shows the comments/recommendations resulting from the staff-to-staff review, and how the Plan has incorporated the recommendations, or a response as to why it is difficult or infeasible to do so. Hopefully this will make your review of the Plan easier.

We will discuss this Plan at next week's Quarterly Stakeholder meeting (August 23, 2017). Prologis will describe the Plan, how it has been enhanced based on past input, and we can discuss its specifics. We hope this will be a good working session.

I have attached the Plan to this e-mail, for your ease. It is the same Plan you received as an attachment to the Notice of Availability of this Plan, sent via e-mail of August 4, 2017. I have also attached a table which might help your review of the Plan. Along with the agenda, attached herein, this is all we have to distribute prior to the meeting. The report on air quality monitors is available at [http://ngem.com/OAB\\_AQM/](http://ngem.com/OAB_AQM/).

I hope this description helps and I hope you will be able to come to the Stakeholder meeting on Aug. 23.

Patricia

**Patricia McGowan**, Environmental Coordinator | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510) 238-3588 | Fax: (510) 238-6538 | Email: [PMcGowan@oaklandnet.com](mailto:PMcGowan@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

# OAB Stakeholder Meeting

Wednesday Aug. 23, 2017 11am – 1pm

Oakland City Hall, Hearing Room 4

1 Frank H. Ogawa Plaza, Oakland CA 94612

## Agenda

- A. Report on air quality monitors: first two quarters of 2017
- B. Update by Prologis on their projects
  - a. Update on construction of NE Gateway building: Shell completion, Aug. 2017. Tenant(s) not yet finalized. AQ plans for operations not yet ready to review.
  - b. Update on compliance with the approved AQ Plan for Construction of NE Gateway.
  - c. Description of what's planned for the Southeast and New Central Gateway sites.
- C. Overview of the process for AQ planning
  - a. Our goal is to make the stakeholder meetings informative and productive; to have effective discussions and thereby develop plans and programs which result in reducing the air quality impacts related to the construction and operation of buildings at the City's portion of the OAB.
  - b. Implementation of Mitigation Measure PO-1
  - c. We have a draft plan to work on, so let's do that.
- D. Diesel Reduction and AQ Plan for Construction of the Southeast and New Central Gateway sites
  - a. Prologis will describe the draft Plan, summarizing its key components and how the draft Plan considered and/or responded to comments received on the previous such Plans, and on the administrative draft of this Plan.
- E. Information that the truck management plan public engagement will kick off in September, 2017 with a public meeting. Time and place to be announced.

To: Staff of the Air Quality Agencies and Stakeholders

From: Patricia McGowan, City of Oakland Environmental Coordinator for the OAB

Date: August 15, 2017

**Subject: Comments from City staff and Public Agency staff regarding the Administrative Draft Construction AQ Plan for CE-2 (SE Gateway) and CC-1 (New Central Gateway)**

On May 9, 2017 a meeting was held with staff of the City of Oakland and staff of the BAAQMD, CARB, EPA and Alameda Co. Public Health Department to review the administrative draft of the Construction Air Quality Plan for the SE Gateway and New Central Gateway sites, dated May 1, 2017. The meeting was held to review and discuss the administrative draft of the Plan with the intention of doing more staff work on this Plan prior to the official 17-day public review period outlined in the SCA/MMRP. Our intention was, and is, to work together at a staff level on an administrative draft so that the Plan can be as thorough as possible before the official public review of the Plan.

I forwarded the comments/discussion/recommendations from that meeting to Prologis who considered the comments and incorporated many of them into their Plan. The comments and the revisions made to their Plan, dated August 3, 2017 are summarized in the table below.

I hope this will help with your review of the Plan.

Section number from the administrative draft Plan (dated May 1, 2017)	Comment/Recommendation from the May 9 <sup>th</sup> staff working meeting	Revision made and included in Plan or explanation provided by applicant (the Plan is dated August 3, 2017)
3.1.h & i	Reduce the allowable idling time to less than 5 minutes?	Idling time will be reduced from 5 minutes (CARB standard) to 3 minutes.
3.1.u	Why is the on-site access road not 100'?	50 feet is stated in the CA Storm water Association Best Management Practices. Fifty feet can accommodate one semi-truck or two concrete pumping trucks. Fifty feet, in combination with 3.2 c and d regarding clean wheels and street sweeping will address the intention of soil and mud not being tracked offsite.
3.3a	Ensure enforcement of the Tier 3 and 4 requirements.	The bid documents will include the air quality plan (once it is approved) and will thus specify that all subcontractors must use only tier 3 or 4 equipment. Prologis is thereby targeting contractors who have this type of equipment.
	Restrict off-road diesel equipment to Tier 4.	Plan will specify: if the subcontractor has the tier 4 equipment in their fleet, then it is the tier 4 equipment that must be used on this

Section number from the administrative draft Plan (dated May 1, 2017)	Comment/Recommendation from the May 9 <sup>th</sup> staff working meeting	Revision made and included in Plan or explanation provided by applicant (the Plan is dated August 3, 2017)
		<p>construction site. Additionally, if the contractor needs to use rental equipment, the contractor shall contact three equipment rental companies in the SF BayArea. If tier 4 rental equipment is not available, tier 3 can be used.</p> <p>Additionally, the Plan specifies that the two pieces of equipment that will be used for the most construction hours must be tier 4. (With this, even if tier 3 equipment is on the site, the machines being used for the most number of construction hours will be tier 4.)</p>
3.3e	No diesel generators on the job site	Prologis stated that they must have the ability to use generators in cases such as if PG& E has not yet provided power to the site upon arrival of the construction trailer. They stated that the use of diesel generators is very minimal and are used only when required. (3.3f)
3.3d	Regarding use of electric tools, tighten up what "to the extent feasible means".	Revised text: All scissor lifts and small tools will be electric. Regarding boom lifts, Prologis stated that boom lifts don't exist in electric equipment at the size needed for these construction sites. (3.3e)
3.3f and 3.3g	Did the City enforce this?	A maintenance log is kept and it is available upon request. This was added to the Plan. (3.3g)
General	<p>a. The admin. draft Plan regulates off-road equipment but does not address on-road diesel trucks service the construction site.</p> <p>b. Construction trucks coming to the site (On-Road diesel trucks): ARB staff would like these to be 2010 engine year or newer, whereas the ARB regulation for On-Road diesel trucks is 2007 engine year or newer.</p>	<p>The Plan doesn't yet include this, but Section 3.3j could state that: All contractors will be bound by contract to comply with the CARB regulation for On-Road diesel trucks and the requirements of the Periodic Smoke Inspection Program (PSIP).</p> <p>The trucks delivering construction materials and construction equipment to the site(s) are all independent truckers who are not hired by the general contractor so Prologis states that such a requirement imposed by them on the general contractor/sub contractors would be unenforceable and unrealistic. Such trucks must be registered with ARB and therefore are required to follow all ARB regulations.</p>

Section number from the administrative draft Plan (dated May 1, 2017)	Comment/Recommendation from the May 9 <sup>th</sup> staff working meeting	Revision made and included in Plan or explanation provided by applicant (the Plan is dated August 3, 2017)
	c. Look at 3.7d. In addition to the off-road equipment, do you keep a log of the trucks coming to the site? 3.7d implies all vehicles, on and off road, coming to the site. What are you doing on this so far? Is it working?	Prologis will reply.
3.3c	Bio-diesel fuel; add a new point below 3.3c regarding encouraging the use of bio-diesel fuel.	Prologis found out from the general contractor that the use of bio diesel fuel in equipment designed to use diesel fuel voids the manufacturer's warranty. Based on voiding the warranty, Prologis does not feel it is realistic to require the contractors or owners of the construction equipment to take that risk.  3.3d encourages the use of equipment that was designed to use alternative fuels.
General	Complaint log	There is a complaint log and for the building currently under construction (CE-1). To date, no complaints have been received.



## 001256 2020-10-29

## 2018 Bi-Monthly Meeting Schedule:

January 22<sup>nd</sup> (*Food will be Provided*)

March 19<sup>th</sup>

May 21<sup>st</sup>

July 16<sup>th</sup>

September 17<sup>th</sup>

November 12<sup>th</sup>

Monthly meetings are co-chaired by Port Staff and the Trucking Industry to foster communication and collaboration and facilitate efficient goods movement at the Port of Oakland.

TWG Co-Chairs

Henry Osaki (Mutual Express Company)  
&  
Ralph Reynoso (Port of Oakland)

Message

---

**From:** Margaret Gordon [margaret.woeip@gmail.com]  
**Sent:** 12/22/2017 11:08:49 PM  
**To:** Scott McCreary [scott@concurinc.net]; Meredith Cowart [meredith@concurinc.net]; Brian Beveridge [brian.woeip@gmail.com]  
**Subject:** Fwd: Port of Oakland reconvening MAQIP Task Force: scheduling a short interview--MG

Thank you Scott,

Appreciate that you reply to my email, with update information regarding the process of the "reconvening of the MAQIP Task Force", to me, this isn't equity, and what I envision my participation. It is more clear there's no collaborative or community engagement to setting the agenda, the Port of Oakland has gone backward in developing meaningful and mindful problem solving with the West Oakland impact community. Please contact me when the Port of Oakland and Concur are open to changing the format that's have equity and are ready to collaborate as partners, going beyond *envision soliciting input from the MAQIP Co-Chairs on the agendas for the two to three expected meetings. One more thing, there will be no interview from me until there are the proactive planning.*

Happy Holiday,

Ms.Margaret Gordon

From: **Scott McCreary** <scott@concurinc.net>  
Date: Fri, Dec 22, 2017 at 1:50 PM  
Subject: Re: Port of Oakland reconvening MAQIP Task Force: scheduling a short interview--MG  
To: Margaret Gordon <margaret.woeip@gmail.com>  
Cc: Meredith Cowart <meredith@concurinc.net>

Ms. Margaret,

Thanks very much for your response and your questions. I've reflected your questions to the Port, and have received the following responses, listed below.

(1) Structure and governance, who is chairing, setting agendas etc; for the original MAQIP (WOEIP) were one of 4 co-chairs is my recollection and every agenda needed approval of the co-chairs - agendas.

*We envision soliciting input from the MAQIP Co-Chairs on the agendas for the two to three expected meetings. In fact, this is one focus of our interview with you. Given that the focus of the MAQIP Task Force is on meeting the Port 2020 air quality and health goals over the next 2 years, the Port anticipates that the review and setting of the agendas will be very efficient.*

(2) What is the Port saying about this?

*For the Task Force work in 2018, we envision two or three half-day meetings during the January - April 2018 time-period with the first meeting tentatively scheduled for Friday, January 26, 2018. The draft goals are as follows:*

- *Build shared knowledge of Port Maritime emissions and changes to the regional air quality setting since 2015;*

001258 2020-10-29



- *Inform participants on progress, strategies, compliance success and new technologies to support MAQIP Diesel Particulate Matter (DPM) and criteria air pollutants goals;*
- *Identify emissions reduction measures which are commercially available, feasible and cost effective;*
- *Discuss technology options, partnerships and grant funding opportunities and considerations in support of Year 2020 goals and beyond (i.e., to Year 2030);*
- *Provide input to the Port on criteria and elements of the proposed Advanced Technology Program ("ATP") to promote State of California Year 2030 GHG reduction goals; and*
- *Discuss and build support for recommended measures for consideration by the Board of Port Commissioners in early Summer 2018.*

(3) How does Viveka's Chen 2009 evaluation is being inserted to the process and agenda.

*In the years immediately following Viveka Chen's 2009 evaluation, due to challenging financial circumstances, the specific recommendation to convene a port maritime stakeholder group was not implemented. Since that time, the Port has undertaken several different efforts and has used a variety of formats to foster community engagement. The Port also entered into a second contract in 2016 with Viveka Chen and Anuja Mendiratta to gain the benefit of their expertise and insight, and has implemented several advisory groups and fora in response to these recommendations. One of those is the newly formed "Port Jobs & Workforce Development Stakeholder Working Group" to support the monitoring of employer performance at the Seaport Logistics Complex. Going forward, the Port stands ready to hear other advice and suggestions on public involvement.*

**Next Steps:** We still hope to schedule an interview in the next few days, but recognize that this is challenging around the holidays. Please let us know if you might have sometime next week, perhaps on Tuesday Dec 26 or Wednesday 27. If those dates are not workable, perhaps we can look to the days right after the turn of the new year.

Regards,  
Scott and Meredith

--

Scott McCreary, PhD  
Principal  
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On Mon, Dec 18, 2017 at 4:34 PM, Margaret Gordon <[margaret.woeip@gmail.com](mailto:margaret.woeip@gmail.com)> wrote:  
Hello Scott,

Thank you for the email and update information regard the MAQIP. To me, I don't see the following things in the attachment:

- (1.) Structure and governance, who is chairing, setting agendas etc; for the original MAQIP ( WOEIP) were one of 4 co-chairs is my recollection and every agenda needed approval of the co-chairs - agendas.
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- (3) .How does Viveka's Chang 2009 evaluation is being inserted to the process and agenda.

Please reply and my interview is base on how these comments and questions are answer, also I out of town on the Dec 20.

Ms.Margaret Gordon

On Fri, Dec 15, 2017 at 4:17 PM, Scott McCreary <[scott@concurinc.net](mailto:scott@concurinc.net)> wrote:

Hello Ms. Margaret,

I hope this note finds you well. It's been a few years since we've worked together; our work with the Port brings us back in touch.

As you know, the Port of Oakland plans to reconvene the Maritime Air Quality Task Force (Task Force) for its 2018 Maritime Air Quality Improvement Plan (MAQIP) Update. We are beginning a round of outreach to stakeholders and we are starting with you, as you have served as a Task Force Co-Chair.

For this MAQIP Update, the Task Force will work closely with the Port of Oakland's staff and technical consultants to take the MAQIP planning process beyond 2020, in light of the state's GHG goals for 2020 and 2030.

The reconvened MAQIP Task Force will review the Ports' strategies, compliance success and progress to date, and make recommendations on forward-looking strategies towards fulfillment of the 2020 MAQIP goals. The Task Force will meet in two or three half-day meetings in January - April 2018. A MAQIP project description (Working Draft) is attached to this email.

We at CONCUR are contacting you to schedule an interview about certain aspects of the Port's MAQIP Update goals and strategies. We expect the conversations to last 15 to 30 minutes and cover the following topics: 1) Your background and your view of the MAQIP and your interests as they relate to the MAQIP (2) Other air quality planning efforts you have been involved in (3) Expected outcomes of the MAQIP Update (4) Meeting and process design considerations including stakeholder representation.

We will use the results of our interviews to help plan what we expect will be two to three meetings in the first four months of 2018.

We would like to schedule a confidential interview with you. Please let us know what your availability is like during the following time windows:

- **Dec 18<sup>th</sup>:** 9:00a-12:00p or 2:30p-5:00p
- **Dec 19<sup>th</sup>-22<sup>nd</sup>:** 8:30a-3:00p

Our strong intention is to fit this call in before December 23. If that is simply not possible, we can look to schedule a conversation in early January. We look forward to hearing from you.

With best regards,

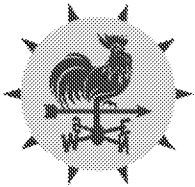
Scott McCreary and Meredith Cowart

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Message

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**From:** Margaret Gordon [margaret.woeip@gmail.com]  
**Sent:** 12/22/2017 10:36:15 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]; pcort@earthjustice.org; Aadeyeye@earthjustice.org; Brian Beveridge [brianwoeip@gmail.com]  
**Subject:** Fwd: Port of Oakland reconvening MAQIP Task Force: scheduling a short interview--MG

FYI,

Reply from Scott McCreary,

Ms.Margaret Gordon

----- Forwarded message -----

**From:** Scott McCreary <[scott@concurinc.net](mailto:scott@concurinc.net)>  
**Date:** Fri, Dec 22, 2017 at 1:50 PM  
**Subject:** Re: Port of Oakland reconvening MAQIP Task Force: scheduling a short interview--MG  
**To:** Margaret Gordon <[margaret.woeip@gmail.com](mailto:margaret.woeip@gmail.com)>  
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With best regards,

Scott McCreary and Meredith Cowart

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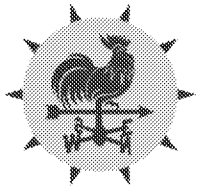
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Message

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**From:** Margaret Gordon [margaret.woeip@gmail.com]  
**Sent:** 6/30/2017 7:22:02 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** Fwd: Env. Defense Fund explanation/discussion of air quality data for Oakland  
**Attachments:** EDF AQ press release final.pdf; EDF AQ cover letter to Mayor Schaaf.pdf; Untitled Attachment

OK Richard,

Here are some early press coverage so far, FYI:

<https://www.google.com/amp/s/amp.cnn.com/money/2017/06/05/technology/google-street-view-edf-air-quality-oakland/index.html>

<http://www.wired.co.uk/article/air-pollution-maps-carbon-emissions>

<https://www.wired.com/2017/06/race-pollution-sensing-tech-oakland/>

And a feature on Google blog (Google has been a partner on this project):

<https://blog.google/products/maps/lets-clear-air-mapping-our-environment-our-health/>

Ms.M

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Message

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**From:** Margaret Gordon [margaret.woeip@gmail.com]  
**Sent:** 6/30/2017 6:16:10 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** Env. Defense Fund explanation/discussion of air quality data for Oakland

**Where** Oakland City Hall, 3rd floor ConfRoom - Building Bridges map

**Calendar** Patricia McGowan

**Source** Env. Defense Fund explanation/discussion of air quality data for Oakland

**Description** It is being rescheduled for Monday July 10, 11am at Oakland City Hall, Building Bridges Conference room, third floor (same floor as the Mayor's office). Fern U. from the Environmental Defense Fund will explain the air quality data that was collected for West Oakland and downtown Oakland. The attached outlook item contains the links to the data for your use and reference before the meeting. Thank you and I hope to see you can attend. Patricia McGowan City of Oakland 510-238-3588

**Attachment** 

EDF AQ cover letter to Mayor Schaaf.pdf



EDF AQ press release final.pdf

--

Ms. Margaret Gordon/Co-Director  
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Oakland, CA 94607  
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www.woeip.org

Message

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**From:** McGowan, Patricia [PMcGowan@oaklandnet.com]  
**Sent:** 8/24/2017 4:43:59 PM  
**To:** Brian Beveridge [brian.woeip@gmail.com]; Margaret Gordon [margaret.woeip@gmail.com]; Robyn Hodges [rehher123@gmail.com]; Ken Houston [sonofOakland@gmail.com]; Jess Dervin-Ackerman [Jess@sfbaysc.org]; Jahmese Myres [jahmese@workingeastbay.org]; Gene Hazzard [genehazzard@gmail.com]; Ray Kidd [kidd@att.net]; Steve Lowe [ewolnephets@sbcglobal.net]; Kate O'Hara [kate@workingeastbay.org]; Mark McClure [mmclure@californiagroup.com]; Megan Morodomi [mmorodomi@californiagroup.com]; Cory Chung [cchung@prologis.com]; Jeff Major [jeffmajor@yahoo.com]; Maile Smith [Maile.smith@ngem.com]; James Heilbrunner [jamesh@archdim.com]; Joanne Park [joannep@archdim.com]; Brent Bucknum [brent@hyphae.net]; Bill Aboudi [bill@oaklandmss.com]; Momina Jalil [momina@cecgin.com]; jrbroadbent@baaqmd.gov; Henry Hilken [Hhilken@baaqmd.gov]; Alison Kirk [akirk@baaqmd.gov]; Jean Roggenkamp [jroggenkamp@baaqmd.gov]; David Vintze [DVintze@baaqmd.gov]; Cynthia Marvin [cynthia.marvin@arb.ca.gov]; Robbie Morris [robbie.morris@arb.ca.gov]; Richard Boyd [richard.boyd@arb.ca.gov]; Elizabeth Yura [elizabeth.yura@arb.ca.gov]; Grow, Richard [Grow.Richard@epa.gov]; Anna Lee [Anna.lee@acgov.org]; Rebecca Flournoy [rebecca.flournoy@acgov.org]; Stewart Sonnenberg [stew.sonnenberg@dot.gov]; McElhaney, Lynette [lmcElhaney@oaklandnet.com]; Cook, Brigitte [BCook@oaklandnet.com]; Wald, Zachary [ZWald@oaklandnet.com]; Kaplan, Rebecca [RKaplan@oaklandnet.com]; Thao, Sheng [SThao@oaklandnet.com]; Davenport, Kevin [KDavenport@oaklandnet.com]; Cole, Doug [DCole@oaklandnet.com]; Cappio, Claudia [CCappio@oaklandnet.com]; Monetta, John [JMonetta@oaklandnet.com]; Ranelletti, Darin [DRanelletti@oaklandnet.com]; McGowan, Patricia [PMcGowan@oaklandnet.com]; Spoerl, Peter [PSpoerl@oaklandcityattorney.org]; rsinkoff@portoakland.com; Diane Heinze [dheinze@portoakland.com]; Andrea Gardner [agardner@portoakland.com]  
**Subject:** Presentation by Prologis at Aug. 23, 2017 Stakeholder meeting  
**Attachments:** Presentation by Prologis Aug 23 2017 Stakeholder mtg.pdf

To all Oakland Army Base Air Quality Stakeholders,

As requested at the Stakeholder meeting yesterday, attached please find the Prologis powerpoint presentation in PDF format. Note that the first video shown can be found on: [www.prologisoglc.com](http://www.prologisoglc.com).

Best Regards,  
Patricia McGowan

**Patricia McGowan**, Environmental Coordinator | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 3315 | Oakland, CA 94612 | Phone: (510) 238-3588 | Fax: (510) 238-6538 | Email: [PMcGowan@oaklandnet.com](mailto:PMcGowan@oaklandnet.com) | Website: [www.oaklandnet.com/planning](http://www.oaklandnet.com/planning)

Message

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**From:** Fitzpatrick, Ryan (OST) [ryan.fitzpatrick@dot.gov]  
**Sent:** 5/16/2017 4:30:03 PM  
**To:** Grow, Richard [Grow.Richard@epa.gov]  
**Subject:** RE: Org chart: OAB - City roles and potential conflicts

Thank you, Richard.

**Ryan N. Fitzpatrick, Esq.**  
Lead Civil Rights Analyst  
Departmental Office of Civil Rights  
Office of the Secretary  
U.S. Department of Transportation  
W78-312  
(202) 366-1979

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**From:** Grow, Richard [mailto:Grow.Richard@epa.gov]  
**Sent:** Tuesday, May 16, 2017 11:49 AM  
**To:** Fitzpatrick, Ryan (OST)  
**Subject:** Org chart: OAB - City roles and potential conflicts

This attachment of the OAB org chart opens easier

---

**From:** Grow, Richard  
**Sent:** Tuesday, May 16, 2017 8:41 AM  
**To:** Fitzpatrick, Ryan (OST) <ryan.fitzpatrick@dot.gov>  
**Subject:** OAB - City roles and potential conflicts

Ryan

I was recently provided the attached org chart shedding more light on Claudia Cappio's various roles with respect to the OAB over the past 17 years. The relevance, or lack thereof, of this information is unclear to me, but given her role as the current Assistant City Administrator, and as senior staff within the Administration in charge of resolving the OAB issues, I thought it best to keep you informed.

Whatever relevance there is may be tied to the role of the EIR Addendum which, with its documentation of several "significant but unavoidable" impacts, and its bypass of normal CEQA public review processes (not applicable to an addendum), lies at the heart of the unresolved OAB issues. Specifically, there is the issue of whether those "significant" impacts have been adequately determined to be "unavoidable", which would appear to be somewhat analogous to the Title VI requirements regarding the availability of less discriminatory alternatives.

Per the attached org chart, Ms. Cappio was working directly for the OAB developer Phil Tagami in the role of "CEQA Consultant" in the period leading up to (but not including) the City Council's approval of the EIR/Addendum in June of 2012. After leaving Tagami's project she began working again for then Governor Jerry Brown who, in his role as Oakland Mayor (1999-2007) had overseen the City taking over of the OAB when it was transferred from the DoD in the 1999-2001 time frame. As you may recall, by some accounts the foreshortened CEQA process for the EIR/Addendum was driven in part by the demands by the California Transportation Commission (CTC) that the City finalize its long-delayed final reuse plans for the OAB in order to secure \$242M in CTC funding. The CTC itself, while nominally independent, is governed by 11 commissioners, 9 of them appointed by the Governor.

Some but not all of these details were known by the community (and ourselves) when the WOEIP wrote to the FHWA (Stew Sonnenberg, Sacramento regional office) in 2013 objecting to what the WOEIP described as the City's misuse of

FHWA's TIGER funds which had been provided to the City (in 2010-2011) to carry out its obligations to fulfill CEQA requirements for the OAB, i.e. to prepare the documents which became the EIR/Addendum. The FHWA Regional office, after consulting with FHWA attorneys at HQ/DC (per conversation with staff at our office) wrote back to the WOEIP that the City had complied with its contract with FHWA. WOEIP letter and FHWA response attached.

Almost as an aside, but further contributing to the community's concerns, the present Mayor, Libby Schaaf, was a City Council member in 2012 when the Council approved the EIR/Addendum. Whether there are any conflicts implied in all of this is far outside my expertise, but it may be relevant to the concern raised by the community that the City should not be entrusted with the responsibility for leading the process to resolve the issue of the adequacy of the OAB mitigation plan, and specifically whether the significant unresolved impacts are in fact "unavoidable."

Below is a newsclip from 2015 on Claudia Cappio's trajectory.

Richard

## Mayor hires familiar face to oversee Oakland development

April 6, 2015

*A familiar face is returning to Oakland to lead the city's development efforts.*

*Claudia Cappio, 61, was named assistant city administrator in charge of development on Monday by Mayor Libby Schaaf.*

*Cappio was planning director in Oakland from 2000 to 2007 and worked closely with Jerry Brown, then the city's mayor.*

*She left Oakland to start a development consulting firm in 2008, but remained close with Brown. He tapped Cappio to be executive director of the California Housing Finance Agency after he became governor in 2011, a position she's held since.*

*Schaaf also has ties to Brown; she was a staffer in his office from 2004 until 2006.*

*Cappio will oversee the city's booming economy and is expected to play a big part in the Coliseum City project, possibly Oakland's final attempt to retain one of its professional sports teams.*

Mike Blasky covers Oakland City Hall. Contact him at 510-208-6429. Follow him at [Twitter.com/blasky](https://twitter.com/blasky).